

NATVRA

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*breuium newly corrected, in Eng-
lish: with diuers addicions of
statutes, booke cases, ples in
abatementes of the saide
writtes: and their de-
claraciōs: and bar-
res to the same
added and put
in their pla-
ces moſte
cōueni-
ent.*

¶ Cum priuilegio ad im-
primendum solum.

*Natura breuium newly corrected
in Englishe with diuers addicions
of statutes booke cases ples in
abatementes of the saide writtes
their declarations and barres
to the same added and put
in a.d. 1557*

ARMY

[illegible]

SEP 12 1911

1870



It is said, that there is a writte of right patent, and a writte of right close. A writte of ryght patent shall be first brought in the court of the Lorde, of whome the lande is holden (if it be holden of any other than of the kinge) And if it be holden of the king than it shalbe brought in the court of the kinge. And knowe ye that this writte may be removed out of the court of the lord into the county by a Tolt and out of the county to the common banke by a Pone (if the demandant that will) And for that thys clause is put in the writte of right patent. Et nisi feceris vicecomes talis comitatus faciet &c. For the writte shalbe al times in the custody of the demandant, for that, that if the lord and the shyrife wil not to him doe right, he may remove the plee into the comon banke, as is aforesaid, not putting cause in the Pone. But in case that it be removed out of the county into the comon banke by a Pone at the suite of the tenant, it behooveth to put the cause in the Pone. As it appereth plainly in the Register. And also the said plee may be removed out of the court of the lord immediatly to the comon banke by a Recordare with cause, at the

A. ii.

suite

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suite of the tenaunt. And know ye, that this writ hath but two issues, & that is to say, joining the miles upon the mere. And that is to put himselfe in the great Assise of our soueraine lord the king or to ioine bataile, and that shalbe in the election of the tenant. And for that it be houeth that the demaundaunt haue all times his champion redy, or els he may be disceiued. And when bataile shall be ioyned, and whē great Assise. Loke in y treatise of the great Assise to be chose among other statutes. And it is sayde, y a dede of the aūcestre with a warrantie is a barre, if the demaundant bzing this writ of his owne possession, and not of the possession of his auncestre, for that, that he may not ioine the issue as before is sayd. And the iudgement of this writ is finall. And know ye that it is no plee in this writte, to say that the tenant before this time recovered against the demaundant by accion tried in any other writte, then in a writ of right.

Addicion.

Lxx. C. iii.

Know ye, that if the plee be remoued by a Pone out of the countye into the common banke, it is not necessarye that the thyrise retourne the Tolt by which the ple is remoued out of court of the lord into the county. For that, that the ple is
comis

come into the bank by a warrāt, which came to the sherife fro thence, which is more hyer then the Tolt is.

Knowe ye that a recouere in a Cessant *M. xxxi. C. i.* agaynst þe demaūdantes selfe, is a good barre in a wytte of ryghte. And that is by reason of the statute of Glouc. cap. iiii.

But knowe ye that a recouere in Assise *M. viii. C. ii.* agaynst hymself is no barre.

And knowe ye, þe these parsones shall *M. ix.* ioyne the myse in a wytt of ryght. An infant shall ioyne the myse & trie it by bataille. And the tenāt for terme of life shall ioyne in this forme, that is to saye that he hath better right to hold for terme of his lyfe the reuercion to one such.

The husband and the wyfe shall ioyne *M. xii. C. ii.* the issue as in the right of the wyfe, & the iudgemēt shalbe þe the husbād & the wyfe & the heires of the wyfe shall holde quyte of the demaundant; and of hys heires.

A Prebendarier shal be, ioyne þe myse *M. xiii. C. iii.* by hys attorney.

The husbāde and the wyfe wer receiued *M. xxxi. C. ii.* for default of the tenant for terme of lyfe and they ioyned the myse in suche fourme that is to say, that the tenāt for terme of lyfe hath better ryghte to holde in the right of the husband by a graunte made by þe husband and his wyfe by fine (sauing the reuercion to them) than the

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demaundant hath. &c.

Q. 21. C. 3.

And if a writte of right be brought against foure, every one of the ioine the mise.

R. 2. C. 2.

And if a person ioine the myse wout praieng in aide of the patrō and the ordinary, & after make default wherby the demādāt do recouer, his successor shal haue for y default, one *Iuris utrum. &c.*

And knowe ye, that the parties after the battaile ioyned shal find suerty for their champions, that is to say pledges for every one of them, but first the tenāt shal finde suertie, but these champions shal not be demaunded vpon their suerties found, as if they were let to mainprise, therfore enquire the diuer site.

**Quere,
A. 1. B. 6.**

And know ye, y it is a good chalēge to say that the champion is a villaine.

R. 29. C. 3.

And know ye, that these champions shalbe apparelled with white lether, & a cote of red Sēdal painted w the armes of his maister, if he haue armes, and a knight shal beare his staffe, & a custrell his target, which shalbe of the colour of his cote. And if the champion be at the barre his tarket shal be reared to y back of the champiō, so y the chief part of the target passe the hiest of his heade, and it shalbe holden to the back of the chāpion as long as he standeth at the barre and then

then the iustices shal charge the parties
p:ncipally to suffer the harnes of their
champions to be safely kept in a place.
And these iustices shal loke that ther be
no maner of fraude, no: disceit entēded.
And if defaut be found in the harnes, as
rolles of praiers, o: saintes, o: other
thinges like, it shalbe amēded. And the
targettes shalbe of one length & bredth.
And also their stauess shalbe of one lēgth
that is to saye five quarters, and these
two shalbe put out of their harnes.

¶ The wzitte is such.

Henricus octauus dei gratia. Anglie fran-
cie et Hibernie Rex, si dei defensor et in ter-
ra Anglicane Ecclesie et Hibernie supremum
caput, balliuis suis de A. salutem. Precipimus
vobis: qd sine dilatione plenum rectū teneatis.
A. de B. vnum mesuagiū cum pertiū in D. quod
clamat tenere de nobis per liberum seruiciū
vnius denarij per annum pro omni seruicio: qd
w. B. ei deforciat. Et nisi feceritis vic. Surthe
fac. Ne amplius inde clamā audiamus pro defec-
tu recti, teste me ipso apud west. &c.

**¶ A wzitte of right in Lon-
don is such.**

Rex. &c. Maiori et vic. Londoni salutem. Pre-
cipimus vobis, quod sine dilatione plenum
rectum teneatis A. de vna thopia cum pertiū in
London, quam clamat tenere de nobis per libe-
rum seruiciū vnius denarij per annum quā
w. C. ei deforciat. Ne amplius inde clamorē au-
diamus pro defectu recti, teste. &c.

A. iiii.

A wzitte

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A writ of right in London (which is directed to the maire and to the shyrif of the same cite) shal be open and not close, for that, that it is as well directed to the Maire as to the shyrifes. And for that, y there shal not be sayde. Et nisi feceritis vice comes Suth fac. for the plee shal not be remoued fro them. But in case y the tenat vouche a foreine to warranty in the saied cite. Then the said Maire and y shyrifes shal adiourne these parties before the Justices of y common banke at a certaine day. And shal sende the recoorde (which is before them) to the sayd justices. And whē they haue determined the warrantie, they shal resende the said recoorde by a writ of iugement, and commaunde the sayd Maire and shyrifes that they shal procede to y plee in the sayd cite. For y justices hath no power to procede after the warranty determined. And the Maire & shyrifes hath no power to make proces against y forein which is vouched. As it appeareth by y statute of Glouc. cap. xii. which beginneth (Parueue est ensemble que si home soit enpled. &c.) And know ye that where the king hath graunted franchises to the cite of London, or to any other towne that they shal not be empled of landes or tenementes within their franchises

chises, ne of any other thyng oute of the same fraunchise, they maye haue a byll whiche is called *Frelheforce* in the nature of assise of nouel disseison. *Mo2d.* or intrusion. But it behoueth that it be brought within. xl. dayes after title growen, and if not: the it behoueth that the sayde Citezens haue other wryttes oute of the Chauncery into the Hustinges of London and if a fozeine bzing Assyse or other writ of tenementes in London, or in other town fraunchised retournable befoze y iustices, Then the bailife of the fraunchyse may comme and demaunde knowledge of the plee by a wrytte of the kyng, and they shall geue a certain day in the fraunchise. and then are they of y franchises as Iustices of the kyng. But all maner of ples parsonalles, as *Det Trespas*, or *Couenantes*, may be pleded in their fraunchises by pleynt withoute bryngyng any writ at the comon law, there they may demaunde theyr knowledge and frāchise: vt *sup2a.* But know ye, that yf y fraunchyse be not demaunded in time, that is to saye, yf proces be sued vnto the exigent, the fraunchise shal not be allowed. For that, that in such case y fraunchise may not make ryght accor dyng to the proces awarded in y courte of the kyng. And also in a *Quare impedit*, though

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though the franchise be challenged it is not allowable. For that, that the execution of that may not be awarded in the franchise. And also in a plea of lande, if the tenant make default, then the Steward, or the bailiffes of the franchise at the graund Cape retournable shal not haue knowledge for that, y he may not give iugement vpon y default recorded in the court of the kinge. As appereth. *Hillarii. 40. C. 3. in the beginning.*

It is to be knowen, that euery writte which toucheth fre hold in london ought to be directed to the mayre and shyrifes of London. But al other writtes which are at the comon law in the same citie, ought to be directed to the shirifes only.

A writ of right of dower.

A writte of right of dower is such.

Rex J. salutem Precipimus tibi: qd plenum Rectum teneas D. qd fuit vxor C. de tertia parte vnus messuagii cu pertinenciis in L. quam clamat tenere de te. s. de domino in dotem per liberum seruicium tertiae partis vnus denarij per annum pro omni seruicio quod h. ei deforreat. Et nisi. sc. ne amplius. sc. tunc. sc.

This writte of right of Dower lyeth where a woman hath receiued parte of her dower, and she wil demaunde the remenaunt against the same tenaunt in the same towne, she shal be compelled to the foresaid writte, and the said writte shal be

shall be directed to the heyre or his gard
dein, if he be in warde. But if the heire
be in so great pouertie that he hath no
court, then it shalbe directed to the chief
lord for defaute of the heire. And thys
writte is remouable, if the Lord wyll
not doe right to the partie, as afore is
sayd in a writ of right patet. And where
a woman is endowed and after is dis-
seised, and the disseisor cōtinueth long
his possession, and after the womā put-
teth hym out, and the disseisor doth re-
couer by Assise, the womā hath no reco-
uer, but by a writte of right of dower,
as it is sayd. And know ye also, that if
the woman hath recovered parte of her
dower, and part fro her be deforsed, or if
she reconer al her dower saue a certain
patcell therto belonging, in these twoo
cases the womā shalbe compelled to de-
maunde it, by a writ of right of dower.
And know ye, y every maner of Baile-
weke, or office, in which the husbāde
of the wife hath fee, which Baylewike
or office the wife her selfe (or any other)
in her name may sufficiently kepe, in al
suche offices, or Baylewike, she shall
haue dower. But if it be the office of the
Stewardship, or Marshalship of Eng-
lande, which two offices she can not by
her selfe nor by deputye, take vppon,
ther.

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therfoze she shall not be endowed of the.

Knowe ye, that a woman shall haue a wypt of ryght of Dower of the halfe after the vsage & custome (as in Kent) and other such places called Gauekild. But if the woman committe fornicacion, or take a husbände, she is barred of all her dower. As it appeareth by the statute of Prerogatiua regis in the ende, cap. xviij. But if she wil liue without a husband, she shall be endowed of y half of all y land.

Addicion.

P. ii. C. ii.
Knowe ye that a woman shall not haue dower of Estouers, that is to say Housbote, and Heybote, belonging to the freholde of her husbände. For that, that yf her husbände hadde bene desozced of the profyte, or his heyre of two partes, none of the should haue a *Preclpe quod reddat*. For if y wife should haue a *Preclpe quod reddat*, y heire should haue it also, so y eueri of the shall haue as much as the husband had. And so y such profites may not be parted, as charcoles in the woddes of another. Ne foster in fee, ne chaumberlain. And yf suche profite discend to fiiue parceners, euerye one shall not haue suche profyte, but one parcener shall haue the whole profite, and these other shall haue allowance. And so the wyfe shall bee allowed for her dower.

A writte of dower.

Wherof she hath nothing.

Rex vic. Widd salutē precipe A quod iuste. &c.
reddat E. q̄ fuit vxor. C. rationabilem dotem
suam: que eam contingit delibero tenemento, qđ
fuit predicti C. quondam viri sui in A. vnde ni-
hil habet vt dic. Et vnde queritur quod predicti
A. ei deforceat nisi. &c.

A writte of
right of do-
wer wherof
she hath no-
thing, is such.

Thys writte of Dower vnde nshill
habet lieth in many maners, that
is to say, if a man mary a woman
generallye speking nothing of dower,
than after the deathe of her husbände, y
wife may recouer the thirde part of all
such landes or tenementes which were
to the husband (during the mariage be-
twixt them) by this writte aforesayd.

But if she hath receiued part of her do-
wer of one man, of those lādes and tene-
mentes in one towne, if she will sue for
the remenant which is behind against
the same tenant of those landes and te-
nementes in the same towne. Then she
is put to her writ of right of Dower, &
not to the foresaid writ. And the proces
is graunde Cape: and petit Cape.

Addicion.

But know ye, that if a man be seysed
of foure acres of land in one towne and
take a wife: & make a lease of one acre
for terme of life of the lesse & hath issue
and dieth seised of these, thze acres, & his
heire

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heire entreth: and endoweth his mother of these thre acres, & after the tenāt for terme of life dieth, and the issue entreth (as in hys reuersion) now the wife shal haue a writte of dower *Vnde nihil habet* of the acre which was lessed, and not a writ of right of dower, for that, that the heire was not tenant of the fre holde of that acre when he endowed hys mother of these other thre acres.

Another case is, whan a mā hath married a womā, and she is endowed at the churche doze of certaine landes & tenementes in a place especiall, in thys case though the husbände haue moze or lesse whan he dieth she shal recouer by *h* for sayd writte al those landes and tenementes which wer to her assigned at *h* churche doze in name of her dower. But if she will, she may refuse this assignemēt and take her dower at the comon law.

3a. 40. C. 3.

The thirde case is such, when the father graunteth to hys sonne to endowe his wife of al such landes & tenementes that to him ought to discēd by the same father, & after that the sonne dieth, the wife shall recouer the thirde part of all the fathers lande. But in this case some men say that if the wife haue no writing of thys endowment she shall recouer.

And

And note ye, that the wife shall be en- **Nota:**
dowed of landes and tenementes which
her husbände had in fee simple: or fee
taile. But in some case the wife shall be
endowed where her husband was not sei-
sed, ne neuer in possession. As if my fa-
ther die seised of certaine landes, & tene-
mētes in his demeane as of fee, & no mā
entreteth in the land, & I dy, my wife shall
be endowed, and that is in fauour of do-
wer, & yet I was not seised of the lande.

And know ye, that in these cases solo. **Nota:**
wing, the wife shall not be endowed of
landes or tenementes, in which her hus-
bände was seised in fee symple, or fee
taile during the mariage.

As if land be giuen to him and to his
first wife, and to the heires of their two
bodies begotten, in this case the seconde
wife shall not be endowed. And if the hus-
band commit felonye, for y^e which he is
attainted though after the saied attein-
der he purchase his chartour of pardon
of al those landes wherof he was so sei-
sed befoze the said attainer. But of lā-
des purchased by the husband after that
he hath his chartour of pardon, she shall
haue dower. And in case y^e my auncester
holde certaine lande of y^e king in chiefe
and die seised, if I entre into my heri-
tage without proces of the law, and dye
seised

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seyled befoze that I haue a chartoure of
pardō of the kyng foꝛ my entre, my wyfe
shall not be endowed of the lande. Loke
in *Perogatiua regis. Cap. xliii.* And in
case þ̄ tenementes be recouered agaynst
the husband by accion tryed. And by acci
on agaynst her husband rightfully with
out disceite oꝛ collusion pleded & iudge
ment of the courte. And if perpetuall de
noꝛse be had betwixte the husbände and
his wyfe. Except it be because of chastite
And if she go away frō her own husband
with another man and not reconspyled
by her husband of her good wil without
cohercion of holy churche. And if her hus
bände be villaine. And if her husband die
wīn þ̄ age of. vii. yeres. And if a mā ma
ry his niefe. And if her husbände lose hys
land by bataile, oꝛ by great assise. And yf
the husband haue but estate foꝛ terme of
lyfe oꝛ foꝛ yeres.

D. vii. D. liii.

Knowe ye that a woman shall not be
endowed of the goodes of her husbands,
foꝛ the husbände maye sell them oꝛ geue
them at his pleasure.

D. ii. C. ii.

A woman shall not be endowed of
flouers: that is to say, Housbot, Heybot
foꝛ that, that yf the husbände had bene
deforced of all, oꝛ þ̄ heyre of two partes,
he should not haue had a *Precipe quod reddat*
as is befoze sayed in a wypte of ryght
of

of dower.

In these cases beforesaid and in many other mo: she shall haue no dower, ne recouere by the sayde wytte.

And knowe ye, that by the statute of Merton. Cap. i. The wife shall recouer damages in the sayde wytte: for the landes of whichc her husbanbe dyed seysed, Except the tenaunt come into the court at the fyrste day, and saye that he is redy to yelde to her dower.

And knowe ye, that this wytte shall be maynteyned against whom so euer he in possession of þe landes & tenements whiche were to her husband after the espou-selles, in what maner so euer that he is in possession. But the wife shall not recouer damages in these wyttes, but for landes and tenementes whereof her husband dyed seysed.

And knowe ye, that in these cases folowynge, the wife shall be endowed of lands or tenementes, in whiche her husbanbe was seysed in fee symple, or fee taylor du-
 rynge the mariage.

Knowe ye, that a woman shall be endowed of a byllayne in grosse, and the wytte shall be de *Libero tenemento*.

Knowe ye, that a woman shall be endowed of a rent charge.

In a wytte of dower, the tenaunt sayd
 B. i. that

Note.

I. 2.

II. 2.

III. 11.

IV. 4.

V. 22.

E. 4.

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that her husband was neuer sealed. And the demaundaunt said that T. father of the husband of the demaundant died sealed, by force wherof those landes descended to her husband, and he died befoze any other esttraunger entreth. And so sealed and of suche estate. &c. of thys season in law the wife shalbe endowed.

The graundfather, father, and the son. The graundfather holdeth of the kyng, and dieth, the father being of ful age, hauing a wife and dieth, befoze that he sue lierie oꝝ entre: his heire wythin age. The eschetour doth seale the son, & committeth the ward of the bodye and land to a straunger, in this case the wife shalbe endowed, and the wyte lyeth agaynst the Gardeine. But if the father had entered, & died befoze lyuerpe sued, the wife shall not be endowed. For the statutes: *Pullum accrescat ei liberum tenementum, prerogatiua regis. Capitulo. 12.*

Kent was graunted to a man in fee, & he tooke a wife: & befoze the daye of payment he dyed, and the wyfe broughte a wyte of dower, and the tenant sayd, that her husband was not sealed durpng the esponsels. In this case the demaundant may maintaine that her husbände was sealed, and shewe the speciall matter in euidece, for she shal not haue the special matter

D. 4.
D. 6.
D. 38.
E. 3.

T. 11.
D. 4.

matter by way of ple.

Tenaunt in the generall talle, made a **OP. 41.**
feoffement in fee, and tooke estate again **E. 3.**
to him and to his wife in the special tayl
and ha the issue and the wyfe dyeth, and
after he toke an other wyfe and he dieth.
The second wife shal recover her dower
for that, that her husband was seased of
such estate. &c. But she shall haue the a-
uermment that her husbände continued
hys estate befoze of the taile.

Knowe ye, that if I enfeoffe one vpon **T. 34.**
condicion that he shall enfeoffe another **E. 3.**
mā befoze such a day, in this case though
the same day he make the feoffement, yet
his wife shalbe indowed.

If land be recovered in balne against **T. 5.**
the husband because of a warrāty made **E. 3.**
by his auncester afoze the maryage, yet
the wife after his death shalbe endowed.
For the husband might haue aliened the
land befoze that he was vouched, and thē
he should not haue yelded in value. And
by consequence the title of the wife is el-
der. For the title of him which voucheth
beginneth but the day of the voucher.

If the heyze after the death of his fa- **OP. 25.**
ther enter and take a wyfe, & after do the **E. 3.**
endowe his mother, his wife shal be en-
dowed of that part wherof that his mo-
ther was endowed befoze. For that, y he

B. ii.

was

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was sealed of the same lande one tyme in fee. And if the lord purchase the demeane and after the meane dyeth. And the wife recouer her dower by w^{yt}, she shall not pay the thyrde parte of the rente. For by the purchase the rent was extenguiſhed. And not wythſtandynge she ſhal recouer her dower, yet he may not auowe, for she is not tenaunte.

C Lord, meane, and tenaunt are, the tenaunte holdeth of the meane by a peny, & the meane holdeth ouer by. rr. d. & mean releſeth to the tenaūt, al the right that he hath in the lande, and & tenant dyeth: his wife ſhalbe endowed of the land. And she ſhalbe attendaunt to the heire of & thyrde parte of the peny, & not of the thyrde part of the. rr. d. for she ſhalbe endowed of the beſt poſſeſſion of the huſbande.

H. 22.
C. 3.

C If I gyue lande afoze the ſtatute, or at this day to a manne in taylor to hold of me by a peny, and after his deceaſe hys heir to pay to me. rr. d. for euer, he dieth, hys wife is endowed of the land, she ſhal be attendaunte to the heyre of the thyrde parte of the. rr. pens, for it is al one rent and of the ſame rent the land is charged by cōdiciō in dede, and she may not haue acquitaūce of the heire, for that that the land is charged by the dede of the father of whole poſſeſſion ſhe claymeth dower.

An

In a w^zitte of dower brought against ^{W.8.} the Gardein, he alegeth that she hath ta^{E.3.} ken away the enfante which was in his ward, and demaund iugement of dower afoze restituciō, and that was a good ple: and if shemake not restituciō of then sāt in lyke plyte as he was when he was ta^{E.3.} ken away, she shal not haue dower.

In a w^zpt of dower the case was such. ^{H.6.} The father and the son are, the father is ^{E.3.} seased of th^zee acres of lande, the father dieth, these th^ze acres descend to his son, the sonne taketh a wyfe, and endoweth his mother of one acre in a lowaūce of al her dower, this dower of old tyme deser^ued, is a good plee in barre (if the wyfe of the son do bz^zug a w^zpt of dower of that acre against h^z mother) notwithstanding the endowment against common right.

In a w^zitte of dower brought against ^{W.10.} a Gardayne, whych sayth that the wyfe ^{E.3.} witholdeth chartours and munimentes concerning the herptage of the Infante that is in his warde, and if she would to hym haue delyuered the chartours, he was redy to yeld dower, & fo^r that, that the deluere of the chartoures belongeth not to the Gardeyne: she shal recouer. So it is thought that this plee lyeth not in the mouth of anyman to pleade, but onely in the mouth of the heyre.

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A wryt of Admesurement ment of dower.

A wrytte of
Admesurement
of dower is
suche.

Rex hic salutem. Quæsitus est nobis W. filius
heret B. vel frater, vel consanguineus et heret B.
q. Alque fait broz C. plus habet in dotem de libe
ro tenemento quod fait predict C. quondam viri
sui in B. quam habere debet et ad ipsam pertinet
habend. Et ideo tibi precipimus quod iuste et si
ne delatione admesurari fac. dotem illam. Ita
quod predicta A. non habeat plus in dotem de
hereditate predict W. quam habere debet, et ad
ipsam pertinet habend secundum rationabilem
dotem et quod predictas W. habeat de dote illa
id quod habere debet et ad ipsum pertinet habend.
Ne amplius. &c.

This wrytte of admesurement of do
wer: lieth against the wife. And bi the
statute of West. ii. cap. 7. whych beginneth:
Custodi de cetero. &c. it is given as
wel for the gardeyne as for the heir, but
the heyre may not haue thys wryt before
that he be of full age. And also he maye
haue a wryt to remoue thys wryt out of
the countye into the common banke.
And knowe ye: that proclamation shal
be made in thys wryt of admesurement,
and other wryttes, as is cōteyned in the
sayde statute, and therefore loke the sta
tute. And knowe ye that the wyse of the
tenaunt whyche holdeth of the king in
Chief, maye not enter in her dower, be
fore that she hath receiued her dower by
assignement of y king. And if she marre
with

receit of
nat. B. 149
B.

without licence of the king, she shal make fine. And when she hath her dower assigned, she shal sweare y she shal not mary without licence of the king. And if she mary without licence, bt sup^{ra}, then the lands that she hath in dower shalbe take in the hande of the king for the trespass. At p^r. in prerogatiua regis. Cap. iiii. And she shal make oth, as is aforesaid, and wyth that accordeth Magna carta cap. vii. whiche begynneth. Vidua post mortem mariti sui. &c.

**CA wytt of ryght, de Ra-
tionabili parte.**

Rex A. de B. salutem p^rest tibi plenum recti A wyttte of teneas C. de B. de vno mesuagio cum p^ris in right de rati- London, q^d clam esse rationabilem partē suā, que onabili par- cum contingit de libero testio q^d fuit p^r. p^ris, ma- te is suche. tris, f^ris, bel sororis sui bel sue, a tenere de te p^r liberum seruiciū quarte partis vnius denarii p^r annum pro omni seruic. quod E. ei deforceat, et nisi feceris. &c. ne amplius. &c.

This wyttte of ryght de Rationabili parte: lieth al times betwixt p^reuies of blood as betwixt brothers, systers, newewes, or neces, and not betwixt straungers. And yf it be broughte betwixt straungers, the wyttte shal abate. And also it lyeth where myne auncestour dyed not sealed, as if anye man whych hath manye coheyes make a lease for certayne lande, rente or tenemente, for terme of

B. iiii. lyse

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life of the lessee, or for terme of an others
lyfe, and dyeth before that the reuercion
of the sayde landes be to hym reuerted.
And after y the lesse dieth or he for whose
lyfe the land was let, and one of these co-
heyrres (to whom the lande oughte to re-
uert) doth entre, and holdeth al the other
coheyrres out, then they whych are holde
out, shal haue the sayde wrytte agaynst
that coheyrre that hath entred into y hole
land. And knowe ye that thys wryt is a
wryt of ryght patent, but it shal not be
tryed by Battayl, or graund assyse. And
thys wrytte lyeth not betwixt parentes
whych claimeth by dyscent (after that it
passeth the thirde degree) but it lyeth be-
twixt brethren and systerne, where the
one claimeth by chartour, and the other
by dyscent, for thys wrytte is not orde-
ned, but for to try the pryncipe of bloude.
And the proces is a Somons, & if he make
default at the Somons retournable, he
the graund Cape. But if he come at the
Somons retournable and after make de-
fault then the petite Cape shal be awar-
ded. But if the partyes come and pleade
to issue, then the processe is agaynst
the Arrepe *Venire facias*, *Habeas corpora*, and
a distress vntyl they come. Also ther are
other wryttes, as of *Elchete*, *Droit sur*
Dysclaymer, *Peane*, *Cessant*, *Droit de*
gards

Proces.

garde, which are called wryttes of right because that they are taken by reason of the seignory: and not because of disseisin to him, nor to their auncestour.

Item if a mā hath issue. ii. daughters by diuers women, and dieth, they entre and make p^{ro}pertie betwixt them, if the one dye without heyre general, or special: her parte shal eschete to the lord, and shal not discende to her sister of the halfe bloude, but if that sister haue an vncle, & land shal discende to the vncle, and if the vncle dye without heire of his body, the land shal discend to the other sister which was of the half blood, et ecōtra *Quere.* *re hoc.* If a mā haue issue two sonnes by diuers women and dieth, the elder both enter in the land, & dieth wythout heyre of his body, the land shal discende to his vncle. And if the vncle die without heire of his body, the lande shal discend to the yonger brother, as cosin & heyre to hym.

A wryt of right close.

Rex balliuis suis de A. salutem p^{re}dictis vobis q^{uod} A wrytte of sine dilatione et secundum consuetudinē manerii nostri de B. plenum rectum teneatis B. de luche. *right close* *de luche.*
C. de vno meluagio cum perit in L. quod ei deforciat, ne amplius &c, talle &c,

This wrytte of Ryght close (whych is called after the custome of the maner) shall be all tymes broughte in the courte of auncient demeane. And enery wrytte

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Writ, that is sued vpon the custom of the maner, is called a writte of right close. And this writte lieth alwayes betwixt Sokemē, which are of auncient demeane. And know ye that a Sokemā is properly such one that is fre, and holdeth of the king, or of anye other lord of auncient demeane, landes or tenementes in villeinage, and is priuiledged in this maner, y no man ought to put him out of his landes and tenemēts, as long as he is able to do his seruices, whiche to hys landes & tenementes belongeth, no mā may encrease the seruices of his tenant, nor constrain him to doe mo seruices, then he hath don in time past. And for that these Sokemen wer gainours of y lords landes in aunciēt demeane. And thei ought not to be somoned, nor trauailed, in Iuries nor enquestes, but in the maners, to whom they belonge. But yet in plees of trespass, det, and other personal acciōs, they are somoned as other people. And of these tenants in byllenage, looke the first statute of Ri. the. ii. ca. vi. And one Sokemā may not emplede another of landes & tenementes within auncient demeane by any other writte then this writte of right close. And in this writte the demandant shal make his protestacion in the court, to sue hys writte in the nature

cure of what writte y he wil, as his case
 lyeth. And know ye, that this writt shal
 not be remoued, but for a great cause, y
 is to say, when the court lacketh power
 or for that, that he saith that his father
 was enfeofed by our soueraine lord the
 king, & sayth that he maye not, ne ought
 not, without the king, make answer. Or
 he saith that he holdeth the tenementes
 whych are in demaunde, at the common
 lawe, by syne leued in the courte of the
 king afore suche Iustices, & for that the
 ple may not be sued forth by this writ of
 right close in the courte of auncient de-
 meane, & many other causes are, where
 by this writ may not be remoued by the
record are at the sute of the tenant. Knowe
 ye that all those landes or tenementes
 which are in the hand of the lord of aunc-
 cient demeane, are frank fee, and pleda-
 ble at the comon law. And al these lades
 & tenementes whych are in the hands of
 those tenautes of auncient demeane are
 pledable within auncient demeane, and
 not in other places. And know ye, y the
 demaundant in this writte may not re-
 moue y ple for cause, nor without cause,
 for that, that he may not haue a Colte to
 put it into the countie, nor remoue y ple
 out of y couiti into the comon bank. But
 if he complaine, that right to hym is de-
 nyed

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nied or delaïd in auncient demeane.) And
thē he shal haue a writ out of the Chaū-
cery to the shiriffe of the same couēty, cō-
maunding him that he go in his proper
person, taking with him foure knyghtes
of his countey, and go to the said court of
auncient demeane to se that ryght to him
be done. The demaūdant also may haue
other writtes to helpe hym, as it appea-
reth by the Register. And also the tenant
maye haue a *superfediās*, in case that he
bouch a fozein to warrantie in the court
of auncient demeane. And vpon y one at-
tachement (if nede be.) And in case, y the
said landes in auncient demeane be sold
by fine without licence of theyr lord, he
may haue a writ of the Chaūcery, for to
adnul the said fine (as it is said) or other
waies, he may haue a writ of Disceit a-
gainst his tenant that hath leuied y said
fine, & recover his damages. vt dicī. &c.

¶ Addicion.

¶ And note, which are good causes in
this writte to remoue one matter out of
one ptyculer court into y kings court. &c.
¶ Know ye, y it is said in Aūse brought
by the Abbot of E. &c. y it is good cause
to remoue the ple, to say that the bailly is
seruant of the pleintife. And it was said
that if one ple be remoued out of y court
of one lord, for one cause y cause is tra-
nersable

uersable but of one plaint out of h^e coun^{ty}. Quere
ty otherwise is. Quere the diuersity. D. 12.

D. 4.
In assise of freshfoze broughte in
auncient demeane, the tenant sued a *recordare*
to the shirpfe, for to remoue the ple
and the cause was that the bailiffe had a
liuerie of the plaintiffe, & the plaint was
of the freeholde. And it was holden that
this cause was not sufficient, to put the
court out of Jurisdiction, for the iudge
ment belongeth to the iutours, & not to
the baylfe. And not lyke to one *recordare*,
to remoue one ple into the countye, & to
shew that the shypfe hath a liuere of the
pleintif: there the ple shal not be demaun
ded for that, that the one and the other
are the courtes of the kyng.

**¶ A wypte of right of Preci
cipe in Capite.**

Rex vic S. salutem precipe A. q. iuste. &c. red. A wypte of
dat B. unum meluagium cupertum in C. quod right of Pre
clamat esse ius et hereditatem suam et tenere de no cipe in Capite
his in capite, et unde queritur: quod predictus A te is suchc,
ei in iuste deforceat, ut dic. Et nisi fecerit, et pdic
tus B. fecerit te securum de clauis no proe tunc sum
et. quod sit coram iustic. &c. ostensurum quare non
fecit, et habeas. &c.

Thys wypte of Ryght, Precipe in Capite,
lyeth for the ternaunt whyche holdeth
of the kyng in chiefe, as of his crowne,
whyche ternaunt is deforced, then he shal
haue thys wypte, and thys wypte is
close

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close, and shal be pleaded in the common
banke. For if anye tenaunt whych he hol-
deth of any lord be desozsed, he ought to
haue a wryt of right patent, which wryt
shalbe determined in the court of hys sayd
lord. And in the same maner, he that hol-
deth of the king in chief, as of his crowne
(if he be desozced) he shal haue a *Precipe in*
Capite. But by the graunde chartour.
cap. xxi. which beginneth. *Beue quod*
vocatur Precipe in Capite, wyll that thys
wrytte shal not be graunted to any man
whereby anye free man maye loose hys
court. But if any wil haue thys wrytte,
he shal sweare by his faith that the tene-
ment, whych is in demaunde, is holden
of the kinge in chiefe, as of hys crowne,
and of none other. But if any man pur-
chase the *Precipe in Capite*, by false suggesti-
on made in the courte of the king, to de-
fraud the chiefe lord of his courte, then
hys chief lord shal haue a wryt to cal again
the ple directed to the Iustices, that thei
may enquire if the tenements be holden
of the king or of the chiefe lord. And if it
be found, that the tenements are holden
of the chiefe lord then the demaundaunt
yf he wyl, maye bring his wryt of ryght
patent in the court of the lord.

¶ And know ye, that if any man be esoi-
ned de uia lolecti in a wryt of ryght, then

if

if the demaundant wil pꝛoue that the tenant is not so sick (but that he may come wel inough) & the enquest finde agaynst the said tenant, his essoyne shall turne him in one default. And also this essoyne lieth not but in a writte of right, where two claimeþ bi one discent. And that is ordeined by the statute of West. 2. ca. 17. whiche begynneth In itinere Justiciar. And vpon that the demaundant shal haue a writ out of the Chauncery to enquire (if the tenant be syck oꝛ not.) And also if the tenant hath demaunded licence to rꝑse, & to appeare in the court, where the writ of right hangeth. And if to him it be denied, then he shal haue a writ (whiche is called) *De licencia surgendi. &c.*

¶ Addicion.

¶ Then the lord may recouer his court A. 7.
by two other waies, that is to say when E. 3.
the writ hangeth befoze the Justices, he may come befoze the and shew his case, how these tenements are holden of him. And if the Justice see & finde by suggestion true, the writ shal abate. *Ut patet.*

¶ Oꝛ yf the demaundaunt recouer by T. 12.
thys writte, the lord maye after bꝛyng E. 3.
a writ of disceit agaynst the demaundant and recouer his damages agaynst hym. And after by peticio, he shal recouer his seignory out of y hands of y king *Ut pꝛ.*

A writ

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¶ A wȝt of Monstrauerunt.

A wȝt of Mō
strauerunt is
suche.

Rex abbat de A. salutem Monstrauerunt nos
 his homines, de manerio de A. q̄ est de anti
 quo dominico corone Anglie quod tu exigis ab
 eis alias consuetudines et alia seruicia q̄ facere
 debent et antecessores sui tenentes de eodem ma
 nerio facere consueuerunt, partibus quibus ma
 nerium illud fuit in manibus progenitorum no
 strorum quondam regum Anglie, vel in manu
 nostra et ideo tibi precipimus q̄ a prefat homini
 bus nō exigas siue exigi permittas alias consu
 etudines et seruicia q̄ facere debent, et antecesso
 res sui predicti facere consueuerunt temporibus
 predictis. Et nisi ad mandatum nostrū hoc fece
 ris A. vic. nostro de A. id fieri precipim⁹, teste. et

This wȝt, whyche is called *Monstras*
uerunt, lyeth for the tenauntes in aunc
 cient demeane which are distrayned for
 to make other seruices, or customes, the
 they or their aunccestours made in the
 tyme of William Conquerour whych
 passeth the tyme of memoȝy.

¶ And knowe ye, that this wȝt shall be
 directed to the lord, which demaundeth
 other scrupces or customes (as afoze is
 sayde) hym commaundynge, that he de
 maund none other seruices & customes,
 bnt suche y he and his aunccestours hath
 done in auncient demeane tenure. And
 also they maye haue a *Monstrauerunt* dyrec
 ted to the Shiriffe hym commaundynge
 that he shal not suffer the lord to distrain
 the said tenauntes to do other seruices &
 customes

customes then they ought to dooe. And know ye that if the tenant may not be in quyet ne peace by this writte, they maye haue one attachement against the lord, that he be befoze the iustices of our soueraygne lord the kyng, at a certayn daye. ec. And the names of all the tenants, shalbe put in the writ, and all the tenants together shall sue the sayd writte, for if one tenant be distrayned to dooe other seruices or customes (then they ought to do) that shalbe in pzeiudice of al the other tenants, whiche holdeth by lyke maner of seruices. ec. Whē the booke of Domesday was made, that is to say, in the tyme of saint Edward the king: all the landes and tenementes which wer in his handes at such tyme that the booke of Domesday was made, are called auncient demene. But the landes and tenementes whiche then were in other mennes handes, are franke fee, and pledable at the common lawe. And þ proces is a prohibicion, one attachement, and one distres. ec.

Proces.

¶ Addicion.

¶ Knowe ye that in thys writte of Monast. p. 36. c. 1.
straverunt euerye one of them may declare seuerally, and so they maye not in other writtes but in this writte. And they may make one declaracion (if they will.)

¶ And in this writ, þ deth of one of these
 C. 1. plain

Natura

playntiffes shall not abate the writte, by the opinion of the court. Notwithstand-
ding that all be not named, yet the writte
lyeth for those that will sue, by Wabb.

D.11.C.3

And in thys writte they shall declare
of every tenure, and that the lord the dis-
treined for no seruices. Or if he demaund
and distrayn not, yet the writte lyeth for
them, and they shall put in certayne, for
what thyng he doth distrayn them. But
they ought not to alledge the daye and
place in certayne, no moze then in a writ
of Breane, for a man shall haue a writ of
Breane, though he wer neuer distreined.

P.39.C.3

And also it is conuenient, that y^e plain-
tife shew, y^e the maner is auncient demene.

P.41.C.3

And know ye, that this writ lyeth not
for such men that holdeth land in auncien-
t demene, by courte rolle at the will of
the lord.

A writ of Ne iniuste vexes.

A writ of Ne
iniuste vexes
is such.

Rex A. salutem. Prohibemus tibi ne iniuste vexes
Res bel. vexari permittit B. de libero tenemen-
to suo: qd de te tenet in R. nec ab eo exigas vel
exigi permittas consuetudines & seruicia que in
de facere non debet nec solet, & nisi feceris vice-
com. Ad fieri facietur amplius inde clamaud
pro defectu recti, teste. &c.

Thys writ of Ne iniuste vexes, lyeth where
anye lord dooeth distrayne hys free
tenaunte, whiche holdeth of hym by cer-
tayne seruices and customs to dooe moe
ser.

seruices or customes then he or hys auncestours was wont to doe, then the tenant shall haue this writ, as is prouved in the statute of Magna carta Ca. 10 which beginneth (Nullus distringatur. &c. And this writ is a prohibition which shall be directed to the chief lord commaunding him that he distrain not hys free tenant to do any other seruice, nor custome then the sayde tenant or his auncestour was wont to do. And this writ is a writ of right patent, for this clause shall be put in the writ. Et nisi fec. vic. &c. And know ye that this writ, is at times auncestrell & shall be determined by bataille or graund assyse. And the proces is, as in the Monastrauerunt, that is to say; one prohibition, one attachement and distresse.

Know ye, that in this writ he shall not declare when he distreyned, but shall say. ¶ he hath him greued for mo seruices. &c.

A writte of right, Quando dominus remisit curiam suam domino regi.

R Ex vicecomiti widd salutem. Precipe A. qd iuste &c. reddat B. vnum mesnagiū cum pertinentiis in f. quod clamat esse ius, & hereditatem suam. Et vnde queritur qd predictus A. ei iniuste desorciar. Et nisi fecerit et predictus B. fecerit resecutum de clameo suo, proces tunc cassi per bonos sum predictū A. qd sit coram Iudiciariis &c.

C. ii.

consensus

A writte of right. Quando dominus remisit curiam suam domino regi is such.

Natura

ostensurum quare non fecerit. Et habeas ibi Cuncta
misi: et hoc breue teste. &c. Quia capitalis domi-
nus nobis inde remisit curiam suam.

This writte of ryghte *Quia dominus remisit
curiam suam domino regi,* lyeth in case tohere
landes oꝝ tenementes (whiche are with-
in the seynioꝝpe oꝝ of anye loꝝde) are in
demaunde by a writte of ryghte. And if
the loꝝde holde no court (oꝝ other wyse) at
the pꝛayer of the demaundant, oꝝ the te-
nant shall send to the court of h̄ king hys
writ, to put to the king his court soꝝ that
tyme, sauyng to hym another tyme the
right of his seignioꝝpe. And this writ shall
be returned befoꝝe the Justices of h̄ com-
mon banke, and shall be close. And these
clauses shall be put in the writ in the ende
Post teste me ipso. &c. Quia capitalis
dominus feodi illius inde remisit nobis
curiam suam. &c. And the pꝛoces is, so-
mons, graund cape and petite cape.

A writ of execution of iudgement.

A writ of ex-
ecution of
iudgement is
such.
Rex vñ vobis salutē, Precipimus tibi, q̄ ex-
ecutionem reddis cōsi tuo de loquela fuit
in comitatu tuo per breue nostrum: de recto inter
A. petentem & B. tenentem de vno mes. cum peti-
tione in L. sine dilattione fieri fac. &c.

This writte (De executione Iudicii,) ly-
eth where anye plee is pleaded vnto
Iudgement, and the Shyriffe (if the ples
be in

be in the countie) oꝝ the baylife (if he be in court baron oꝝ in hundrede) in fauour of the tenant oꝝ by other chaunce pꝛolong oꝝ deferre the iudgement, then the demaundant shal haue this wꝛit. And this wꝛit is one Justicies. But if he make execucion than shal there goe out a *sicut alias*, with a clause (vel causā nobis significes) & after that one Pluries, that shal goe oute at tachment as in a Kepl. And knowe ye, that thys wꝛit lyeth foꝝ the demaundant in a wꝛit of right patent oꝝ close, as well agaynst the baylife (if the plāe be in an oꝝther courte) as agaynst the shirife if the plāe be in þe countie. And also in this wꝛit lyeth the pꝛoces of a contempt, and may be made in al other wꝛittes if nede be. &c.

¶ A wꝛit of false iudgement.

Rex vꝛi Roꝛ. Salutē. Si A. fecerit te secū de Reclam suo pꝛoc, tunc in pleno com̃ tuo recordari fac loquelam, que fuit in eodem com̃ per breue nostrum de recto inter ipsam A. petētem de vno mel. cū pꝛis C. vnde idem A. queritur falsam sibi factū fuisse iudiciū in eodem com̃ & recordū illud habeas coram Justiciarijs nꝛis apud Westmāst die sub sigillo tuo & sigillis iur. legalū militum eiusd̃ com̃ ex illis q̃ recordū illi interfuerint & sum per bonos sum pꝛedictum B. q̃ tunc sit ibi auditurum recordū illud. Et habeas ibi sum nomina pꝛedicta quatuor militum & hoc breue te Re. &c.

A wꝛit of false iudgement is such.

Thys wꝛytte De falso iudicio, lyeth where false iudgemente is genen

C. liij.

in

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In countie, hundred, or in courte Baron then he (agaynste whome this is geuen) shall haue this writte for to cause the record to be brought befoze the Justices of the banke, or in Eyre. And know ye, that this writt shall extend aswell to writtes of right whiche are pleadable in countie or in court Baron, without writte. And know ye, that a writ of false iudgement lyeth not in assyse of freshe force, but a writte of errour. And know ye that the proces in this writ agaynst the partie is a garnishment vpon hys peril, & agaynst the shirife, or agaynst those baylifes, yf they tve not the commaundement of the kyng, by dystresse &c.

Addicion.

Art. 4. b. 6

Knowe ye vpon which iudgementes a man shall haue a false iudgement if one iustices be directed to the shirife, to hold plee notwithstanding y it be originall, yet he shall haue a writ of false iudgemēt &c.

h. 22. c. 1

And in a writ of right, that the tenant doth pleade to thenquest, and at the *Venire facias*, the tenant is essoyned, & hath daye ouer, & no proces is made agaynst thenquest, ne continued by the roll. And also at the same daye that the tenant hath by the essoyned he is essoyned another time, & that is chalēged for that, that this is the second day after thenquest, notwithstanding
dyng

ding that, that esoyne is allowed. And also after such discōtinuance, if þe pleyner be nonsute in the writ of ryghte, and iudgemēt final be geuē, in al these cases he shal haue a writ of false iudgemēt &c.

In a writ of right close brought in the **H. 13. D. 4** court of the lord, the proces doth continue vntil the demaundant doe recouer, the tenant doth sue a writ of false iudgement: and sheweth that the lande is holden by the berge, in which case he ought to sue by byll, and it was awarded that he shoulde take nothing by his writte of false iudgement, for that. yf if this iudgement be reuerled, that shall be to geue a free hold to the ternaunt where he lost no such thyng.

Tenaunt at will of the lord, after the **H. 13. B. 2** custome of the maner, broughte a writte of right and made bys protestaciō to sue in the nature of assyse of mortdaūcestre, the proces did continue vntil the demaundant did recouer, & the tenant brought a writ of false iudgemēt, and assyned that he should take nothing by his writte for the reason aforesayde.

In a writte of false iudgement, if the **L. 19. C. 2** thirife returne that he went to the court and that the sutours sayde that here is no such plee, then ther shall goe out a subpoena: and not a writte to cause the sutours

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tours to come but in case, where the partie wil haue, that the recozd is other then these sutours hath recozded.

¶ And know ye, that if the shyrise geue false iudgement, without thassent of the sutours, the partie shall not haue a writ of false iudgement, but shal haue hys remedy (by byll) agaynst the shyrise.

¶ A writ of error.

A writ of error is such.

Rex balliuus suis de Oxon salutem. Quia in recordo & processu, ac etiam in redditione iudicii assise fresce forcie, que inter A. & B. sumum fuit & capta coram nobis in curia nra Oxon sine breue nro secundum consuetudinem ciuitatis predictie de bno mel. cum pertiti in Oxon error interuenit manifestus ad graue danu ipsius A. sicut ex querel sua accepimus nos errorem si quis fuit modo debito corrigit & ptibus predictis plenam & celestem iustitia fieri volentes in hac pte vobis pcc qd iudicium inde redditum sit tunc recordu & processu assise predictie cu omnibus ea tagetibus nobis sub sigillis vris distincti, & aperte mittatis & hoc bte ita qd ea habeatis a die &c. vbicunq; &c. vt in spectis recordo & processu predictis vltius inde fieri faciamus qd de iure & scdm legem & consuetudine regni nri Anglie fuerit faciendum, teste. &c.

Thys writte of Error, lyeth in case where false iudgement is geue in the comon banke, the which writ shalbe returned into the kinges benche, and if the false iudgement be geuen in the kynges benche, it shalbe reuerled by parliament or by the kinges great counsaile by petition shewed befoze them. And yf false iudge

iudgement be geue in the cite of London befoze the Shyrifes of the same cite, then shall a writ of error be sent to the Mayre & Shyrifes, that they redresse y^e said iudgement befoze the in the hustynge next to come. And if they doe not redresse y^e sayd iudgement, then shall ther be certain Iustices assigned by the kynges comission to sit at saynt Martines the great by *Nisi prius*, for to redresse the sayde iudgement. And if the default be founde in the sayde Mayre and Shyrifes, they shalbe punished for theyr myspryson, by ordinance conteyned in the statute de An. 28. E. 3. Cap. 10. But in case that false iudgement be geuen, befoze the Mayre: then shall be made one comission to certayn persons as is sayd. And in case y^e a writte of false iudgement be returned befoze y^e iustices of y^e comon banke, & the party say that y^e recozd is other then the court recozded, y^e auerment shalbe receyued and by those which wer present in the court when the recozd was made, if they come with the other of the countrey by the retorne of y^e Shyriffe. And if they come not by the enquest take by the good countrey. At parliament in statuto inde. An. 1. E. 3. Capit. 5.

¶ Addicion.

¶ In a writ of Meane brought agaynst *E. 16. E. 3.*
 v. b. others, the one hath the issue & dyeth, &
 iudge

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iudgement is geuen against the other by his default, and the issue: & his uncle doth bring a writ of Errour for that, that the seignory is departed betwixte males by vsage and assygned for Errour the death of his brother at time of the iudgement, & was awarded, y the iudgement be reuer sed, for that that the brother, in this case, may not haue a writ of disceyt for to reuerle that, that was lost, but only damages, and this is error in dede.

pp. 7. b. 7.

¶ One assygned error, that such a day tye eriget was awarded returnable such a day, afore whiche day the kyng dyed, & he was not but two tymes demaunded, in tyme of kyng Edward the fourth, and thze times in tyme of kyng Richard the thirde, & that was holden Error, for that the writ abated in dede, by the death of kyng E. & that is error in dede. And yet this vclawz was not voyde, but error.

pp. 7. b. 7

¶ One assygned error for as muche as after the issue ioynded, and afore the verdict his atturney was dead, y was none erreure, for that, that by hys deathe the writ abated not, nor the issue wayued ne discontinued, for that, that he maye appere by another atturney, or proper person. And also he shall not say that his atturney was dead at the tyme of hys plee for that, that it is agaynst the record, but
he shal

he shal say that another man of the same name appered, without that, that the attourney was of lyue. And know ye that he may not assygne error but in proper persone.

Errour broughte in the banke of the kyng of a iudgement geuen in a writ of dower, and assigned for error, for that that these tenants in the writ of dower appeareth by attourney, where no warrant of attourney was entred, and praye a writte to certifye, if any warrant be or not, & was awarded y he shall not haue aduantage to assine that for error. And diuersitie taken betwixt error, whiche is matter in dede, and error whiche is matter of recoꝝd. For if y partie one time sue one *Scire facias*, he shall neuer assyne error in dede after, for if after a *Scire facias* awarded, one will assygne Erroure, for to auoyd one btlawry, to say that he was in warre in Fraunce vnder such a captein he shall not haue such assignement for it is error in dede, and not parcell of the recoꝝde. And loke if one after the *Scire facias* maye assygne error: for to reuerse one btlawry, to saye that he was not but fowze times called, and pray a certificacion. Quere if he shall haue or not for to certifye the exigent. &c.

Quere.

In a *scire facias*, oute of a recognyſſaunce

T. 29. C. 3

Natura

22.9.15.

saunce against. bi. the hyzys returned
 that thze are dead, and these other thze
 come by warning, and alledged the deth
 of the other, & that theyz heyres are with
 in age, & demaund iudgement, if durynge
 theyz nonage, they shalbe put to aulwer
 upon which was awarded, that the plee
 shall tary. And now the plee was a writ
 of error: and assygned Error for that
 by the recognisance all. bi. were charged
 and euery one of the hole, for the whiche
 when these thze dyd come, execucion a
 gaynst the ought to haue been awarded.
 Another error was for that, that they
 alledged that the heyres of the other thze
 wer within age. &c. which plee lyeth not
 in theyz mouthes, for that, that they are
 strangers &c. And for y first error was
 sayd, that the charge falleth equally vpon
 all these tenants in comon, and not vpon
 one, for notwithstanding y the landes
 of the one were liuerde &c. He shalbe
 ayded vpon his suggestion &c. And to the
 second error was sayd, that a stranger
 may alledge the nonage of another, and
 proces shal not be made agaynst hym, in
 who nonage is alledged, if it be not tra
 uersed, & al was affirmed by iudgemēt &c.
 ¶ If a writte of Trespasse be brought a
 gaynst many, and some appeare & pleade
 not gylty: which are found gylty, and a
 gaynst

22.9.15.

gaynst these other pꝛoces is sued.

¶ Quere if these other that are found gylty, shalbe receyued to alledge Error in the pꝛoces made against the other which are senered in pꝛoces.

¶ The executors of one man broughte a wyrt of error of outlawry pronounced agaynst the testatour in hys life, and for diuers errors the outlawry was reversed at theyr suite, and they restored to the goodes of theyr testatour.

¶.ii.¶.4.

¶ A wyrt of *Dedimus potestatem de attornato faciendo.*

Rex balliuis suis de hand de S. salutem, quia per comune consilium regni nri Anglie pronum est qd quilibet liber homo possit facere attornatum suum ad loquelas prosequend et defendend motas in com trithingis hand wapentagis et alias cas sine bfe nro, vobis precipimus qd attorni voluit ad loquelas suas persequendum motas coram vobis in handredo nro predicto loco ipsius A. sine difficultate ad hoc recipiatis habice de gracia speciali teste &c.

A wyrtte of Dedimus potestatem de attornato faciendo is such.

¶ This wyrtte of *Dedimus potestatem de attornato faciendo*, lyeth where a man is pleasyng in the courte of the kynge, and may not trauayle nor attende hys plee, for sykkenes or other busynesse which he hath to doe, then he may haue the sayde wyrtte directed to the Shyriffe, or to an abbot, or to a Pryour, or to a knyght &c. to recoꝛde hys attourney. And it shalbe commaun-

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commaunded in the sayd writ that he (to whom the writ is directed) retourne the sayd writ vnder his seale, and the name of the atturney which is receyued, that he may be knowe in the kinges court, as it appereth in a certayn statute. *de libertatibus perquirendis in fine*. And knowe that in euery ple of land, and ple personall: as well the tenant as the demaundant, may make their atturneys, as the defendant or the playntife, & that before Justices, whiche hath power to receyue attourney without writ, if the ple be before the in the Chauncery, or otherwys he that shall haue attourney, may sue to the kinges court, and purchase this writ of *Dedimus potestatem* as before is sayde. And knowe ye, that enery free man, may make his attourney aswel to make sute in countie hundred, or in court baron, as he may pursue or defende, and that will the statute of Merton. Cap. 9. And also when a free man hath noted and ordeyned his attourney in any maner (as afoze is sayd) yet he may if he will, the same attourney remoue and make a newe. And knowe ye that no man may make attourney in appele, as it appereth by the statute of Gloucestre. Cap. iiii.

In 40

Addicion.

Knowe ye that in appele of robbery, the
defens

Defendant pleaded not gylty & was found **E.3.11. 20.**
 gylty, & after verdict he sayd that he was
 clerke, and the pleyntif sayd that he was
 Bigamus. And sozasmuch as the proces
 shalbe made to the bylhop to certisye, he
 was not appelled bypon the principall.
 In thys case the pleyntife was receiued
 to make attourney.

In appele, the defēdant was acquitted, **P.8.E.4.**
 the abbettours wer enquired of, and A.
 & B. wer found abbettours, by which the
 defendant prayed a distresse against the,
 & had it. And prayed also that he myghte
 make atturney agaynst the abbettours,
 and so dyd.

If the appele be acquyted by enquest, **P.21.13.6.**
 and the iustices hath enquired of the ab-
 bettours, which are founde: and there is
 certayne matter within the recozde that
 the Iustices wilbe aduysed of the iudge-
 ment, the appele shalbe receiued to make
 attourney.

Knowe ye, that a woman maye be at-
 tourney for her husband by bill. **P.19.E.3**

An infant maye not be atturneye, ne **P.1.13.5.**
 make attourney.

Knowe ye, that thzee thinges belongeth **P.7.13.4**
 to the making of attourneye, one is that
 the attourney will agree to be atturney
 for the partie. And another y the partie
 will haue him for hys atturney. And the
 third

22. C. 4.

thysd, y the Justices wil recozd his name
And none of the may be without y other
Know ye, that it was sayd in a writ of
errour, brought of a false iudgemēt geue
in the countie &c. y in euery case where
the partie is for to excuse hym agaynst y
kyng of a cōtempt, he ought to be in pro-
per persone, and not by attourney.

For it was sayd, that where a prohibicō
was awarded out of the cōmon place to
y archdeacon of C. for y that by the sur-
mise of the partie, he shewed howe an ac-
tion of that same thing was hangyng in
the cōmon banke, and vpon that one, at-
tachemēt & a distress went furth &c. for to
answer to y contempt, & the archdeacon
was charged at y day of the distress re-
turned, for to come in proper person, for
excusing of hymselfe in that he didde not
successe. And may not be by attourney.

One which cometh in vpon an erigit
before pleē pleaded, would haue made at-
tourney & might not: Contrary lawe is
when he cometh in by *superfediās*.

One attourneye maye pleade mysna-
myng of hys mayster, whiche standeth
with hys warrauntie. As if the warrānt
be J. S. po lo suo &c. He may say that he
is made knyght.

*Protectio cum clausula
volumus.*

Ret

Rex omnibus balliuis et fidelib⁹ suis ad quos Proteccio cō
 presentes littere peruenierint salutē. Sciatis clausula volu
 q³ suscepimus in protectionem et defensionē nrā mus is luche,
 dilectum et fidelem J. A. qui in obsequium nrū q³
 preceptum nostrū profectus est ad partes Scocie,
 omnes terras redditus, et omnes possessiones su-
 as. Et ideo vobis mandamus q³ ipsū Johānem,
 terras, redditus, manu teneatis protegat et de-
 fendat et oēs possessiones suas, non inferentes
 eis vel inferri perinittentes iniuriam, molestiam
 dāpnū, aut grauamen. Et si quis eis faciat sine
 dilacione faciat is emēdari. In cuius rei testimo-
 niū has litteras nrās fieri facimus patentes vscq³
 ad festū sancti Michaelis proximo futurū duratu-
 rū, volumus etiam q³ idē J. A. iuterim sit quiet⁹
 de oibus p³itis et querelis exceptis placitis de
 dote, vnde nihil habet ec. quare impedit & Al.
 noue dilie bitime presentacionis et attinetis, et
 ex certis loquelis, quas corā Justic nrīs itinerā-
 tibus in itineribus suis sōmonēri cōtigerint p³et
 minime valitūre, si conigat ipsum J. A. inter il-
 lud non arepi vel postquam citra terminum illū
 in Anglia redierit a partibus predictis S. ec.

Proteccio (Cum clausula volumus) lyeth in
 case where a man passeth ouer the sea
 in the kinges seruice vnder any lord, he
 ought to haue the seale of his lord (with
 whō he went) or a bil directed to the gar-
 deine of the p³uy seale, for one such that
 wyll go with hym in the kinges seruice,
 and when he hath a p³uy seale, he may
 haue hys proteccyon graunted of the
 Chaunceler. And knowe ye, that euerye
 man which hath the proteccion (Cum clau

D. i.

sulas

Rex

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sola volumus) shalbe acquitted of al maner of
 plees, except plees of dower. Ande nihil
 habet, *Quare impedit*, *Affisa de no. dis. utime presen-*
tacionis, and excepte plees whyche are so-
 moned befoze Justices in witer. But
 the Proteccion shall not be allowed be-
 foze any iudge, for taking of vitail, or by
 eng for the viage in the service, whereof
 the Proteccion maketh mencion. Ne o-
 ther wayes in plees of Trespas, or con-
 tractes made or had, after y^e date of the
 same Proteccion, as wel y^e statute An. 1.
 Ri. 2. cap. 8. which beginneth. *Itē assent*
et. And know ye that in case y^e a mā pur-
 chase this protecciō, for to delay any ple
 in disceit of the parti, or in any other ma-
 ner, & he go not in the viage, after y^e ma-
 ner of hys proteccion, the party deman-
 dant, or pleintife may haue one Circiorari
 out of the Chauncery to the shirys (where
 such person dwelleth) for to certifye the
 king in the Chauncery therof, whether he
 be gone or not, & then if the shirif return
 that he is not gone in y^e viage, but dwel-
 leth in such place attending to hys pro-
 per busynes, the party persuaunt maye
 haue a patent (which is called *Innotissimus*)
 to al people for to adnul the said Protec-
 cion, or other close writte directed to the
 Payre, shiriffes, or baylyffe, commaun-
 dyng them, that if the sayde Proteccion
 be

be shewed before them, or anye of the, in
 delay or disturbance of the demandant
 or pleintif, they shal take the said protec-
 tion, and that send into the Chauncery
 for to be ther cancelled, & adnulled. And
 in the same maner shal the demandant
 or pleintif haue to the Iustices of the co-
 mon banke or other Iustices y they shal
 sucresse to alow such Proteccions. And y
 they shal sende the Proteccion into the
 Chauncery as afoze is said. And whe ani
 such proteccion is shewed before the Ju-
 stices for to delay the partye (as afoze is
 said) that by the statute de Proteccioni-
 bus allocadis, made in the time of kyng
 Ed. sonne to king Henry, the .33. yere of
 hys reigne, is ordeined certayne maner
 of proces, as apereth in the sayd statute.

¶ Addicion.

Knowe ye y a pteccio. Or pfectur,
 shal not be alowed in any plee comensed
 afoze the date of that, yf it be not in y by-
 age where the king goeth himselfe or o-
 ther byages royal, or in messages of the
 king for busines of the realme An. 13. R.
 2. ca. 16. And wher a proteccio shalbe al-
 lowed in biage royal hereafter apereth.

¶ In a scire facias, to haue execucion of a
 fyne, the tenaunt sheweth a Proteccion
 Quia pfecturus in comitua, with the
 protectour of the realme & was alowed

H. 3. H. 6.

D. ii.

and

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D.7. D.6.

and if he go by commaundement of the kyng in message. &c. it shal be allowed.

¶ In a *Precipe quod reddat*. A proteccio was shewed for one, which went with y^e Erle of H. into Gascoine, & was chalēged for that, that it was not biage roial, and the comission of the Erle was shewed forth, which wil y^e the king made him his liue tenant, and gaue hym power to pardon felony, and treason, & to enquyre of those which made resistence against him, and to make coyne. &c. And for that, that he hath power to enquyre by special graūt, the proteccion was allowed.

D.8. C.4.

¶ In det the parties demurred in iudgement, and the opinion of the court wyth the pleintif, and the defendaunt prayed that the iudgement might be respited vnto such a day, & it was sayd by the court that if he shewed a Proteccio in y^e meane tyme, that it shal not be allowed.

D.11. D.4.

¶ A proteccion was saide befoze (q² p²fecturus esset) in the companye of T. the kyngs sonne into Ireland, & it was purchased hanging the wytte wherefoze it was allowed. For that, that it mai not be sayd by age roial, wythout he bzing the kynges host into Irelande.

D.8. C.4.

¶ But know ye, that after **¶** Wofle that a Proteccion of byage roiall into Ireland, shal not be allowed. For they are within

with in the iurisdiction of the realme.

Otherwayes is of Scotlād, therfore enquire what the law is. But after Aileston a pteccion (Quia moratur super saluā custod.) it shall be alowed. The same lawe shalbe Quia moratur in partibus Wallie, but the booke is not adiudged.

In a Formedon, a proteccion shal not be alowed, for the Gardaine of prisons, which hath suffred men that be condemned, to go at large. A. 7. B. 4, Cap. 4

A Proteccion shal not be alowed in a scire facis vppon a trauers of office taken befoze the Eschetour, or commissioners agaynst any patent. An. 33. B. 6 Cap. 17

Know ye, that an infant, a woman couert, may sewe a proteccion. B. 12. E. 3, 3

Knowe, that it is sayde that if. xx. of a comonalty are by proteccion, and in the service of the king, the Proteccion shall not be alowed for them al onely. For yf xx. of the cominaltye be in seruyce of the kynge, notwithstanding that there be Mayre and cominaltye, yet the comynaltye abydeeth at home. R. 3. E. 3,

Know ye, that the defendaunt (whych went to imparle) was demaunded to come with his answer, a proteccio was put befoze: Quia pfectur⁹ est, which was of older date then was the imperlaunce, and y notwithstanding it was alowed. T. 39. E. 3,

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Otherwayes shuld be if the Proteccion
had ben: *Nata moratur in obsequio.*

¶.8. C.1.

Know ye that if there be moze in þ pro
teccion, then in the wꝛyt, the proteccion
shalbe allowed, but if ther be lesse in the
ptecció, thē in þ wꝛit it is not allowable.

¶.19. C.3.

In apeale of Maymie a protecció was
shewed for the defendant, and not wyth
standynge that the pleyntiffe recovered
nothyng but damages, in this suyt the
proteccion was disallowed.

¶ Proteccio cum clausula nolumus.

**¶ Proteccio cū
clausula nolu
mus is suche,**

Rex omnibus balliuis &c. vt in salutē. Sciatis
q̃ suscepimus in protecc. nram dilectum no
bis in Christo priorem de R. omnes terras, res,
redditus et omnes possessiones suas. Et ideo vo
bis mandamus q̃ ipsū priorem terras res redditus
et omnes possessi. suas manu teneatis proteget et
defendat non inferentes eis vel inferri permitte
tes iniuriā aut grauamen. et si quod eis foris faci
tum fuerit, id eis sine dilatione faciat emenda
ri. Nolumus enim, q̃ de bladis, fenis, carectis,
cartagis, bonis vaccis, vel porcis, ouibus aut a
liis animalibus victualibus siue ceteris bonis
catallis ipsi prioris cōtra volūtātē suam ad op
nostrū aut aliorū per balliuos seu ministros aut
alterius cuiuscumque acquam capiat, teste. &c.

This wꝛit of Proteccion (*Cum clausula noi
lumus*) lyeth in case where a man is in
dout that the ministers of the kyng, or
of any other, wyll take hys corne, haye,
horse, cart, or such like. And knowe ye þ
thys protecció may be graūted by euery
mayster

mayster of the Chauncery wythout pry-
uie seale.

A wryt of right De aduo-
catione ecclesie

Rex A salutem. Precipimus tibi q plenū rec-
tum teneas w. de L. de aduocatione ecclesie
de A. quam clamat pertinere ad liberū tenemen-
tum suum, q de te tenet in L. per liberum seruici-
um vntus denarii per annum pro omni seruicio,
quam I de w. et de for. ut dicit. Et nisi feceris
vicecomes &c. ne amplius. &c. recti, testis. &c.

A wrytte of
right de aduo-
catione ecclesie
is such.

Another wryt that lyeth in the
common banke.

Cer hic A. salutē precipe A. q iuste &c. reddat
D. aduoc. ecclesie de A. quā et iniuste de for. ut
dic. Et nisi predict D. fec. te. &c. tunc sum. &c.
predict A. q sit coram Justic. nris apud w. ut ly.

Thys wrytte of De aduocatione ecclesie lyeth
wher a man hath right of aduowson,
and the person of the churche dyet h, and
a straunger dothe presente bys clerke to
that churche, and he whych hath ryght,
hath not moued his acclō of Quare impedit,
nor Darreynne presentment, wyth in the
vi. monethes, but doth suffer the straun-
ger to blurpe vpon hym, then he shal not
haue any other wrytte then a wrytte of
ryght of aduowson. And thys wrytte he
shal not haue (if he claime not y aduow-
son to him and to his heires in fee.) And
also he may haue a wryt of ryghte of ad-
uowson of the halfe, the thirde part. or y
fourthe parte, aswell as of the whole (yf

D. iiii.

he

Natura

he bee desozced.) And knowe ye that a wrytte of right (*Quod reddat aduocationem decimarum*) is not graunted by the statute of Westm. 2. ca. 5. which beginneth. Cum aduocatione ecclesiarū. &c. whych wil yf the person of any churche by a wryt of *Indicavit* be distourbed to demaūd his dismes, his patrō shal haue a wryt of right of aduowson to demaunde the same dismes. But the wryt of *Indicavit*, lyeth of no lesse parcell, then of the fourthe parte of the churche, therfore no moze doth thys wryt, but yet after some men the wryt lyeth of lesse parcell at the cōmon law. And y proces in this wryt is, Somōs, graūde Cape, & pettit Cape, after apparāce. And the proces against the Iurie is the comō proces, *Venire facias, Habeas corpora, et distr.* And know ye, if a man hold of the kyng a maner by graund sergeanty, oz by pettite sergeanty, vnto the whych maner one aduowso is belonging, and he dothe sel oz graunt, the aduowson is dislineimbzaunce of the seignioz, the kinge shall p̄sent to the first aduoidaūce after. &c.

Addicion.

Know ye that a wrytte of ryght of aduowson, brought by the kyng, y defendāt shal not p̄ofer y half mark ne iudgemēt final, shal not be giuen against y kyng. And knowe ye that a wryt of right of aduowson

Proces

Pa. 2, C. 3;

adnowson, the tenāt doth ioyne þ myse, Item, Noth
and dayes gyuen to hym vnto the feast
of the Purificacion of our blessed Lady,
at which day he commeth not, but com-
meth at the third day after. Iudgement
fynal was gyuen vpon the defaut,

But if the tenaunt in a wryt of ryght **W. 33, C. 3**
of adnowson do knowlege the right of
the demaundaūt, iudgement shalbe gy-
uē, þ he shal recouer the adnowson. And
iudgement fynall shall not be giuen, for
that, that the myse was not ioyned.

A relcase of the pleintyf selfe, or of an **W. 17, C. 3**
other aūcester, by whō the discent is not
made, is a good barre, wout ioyning the
myse. And iudgement final shalbe giue.

A wrytte de assisa bltme
presentacionis.

Rex vñ Mido salutem si A. fecerit te securū A wrytte De
ac. tunc cum ac. duodec liberos et legales ho- assisa bltme
mines de belū de B. q. sint coram Justic. parit presentacionis
sacro recognoscere quis aduocatus tempore pa- is luch,
cis presentauit bltimam personā, que mortua est
ad ecclesiam de C. vel bltimū vicarium, q. mortu-
us est ad vicariam de A. que vacat (vt dicit) et cu-
ius aduocacione in idem A. dicit ad se pertinere &
interim ecclesiam illam videant, et nomina eorū
in bñ fac, sam B. qui aduocacionē illam ei deforē
q. tunc sit ibi audiendū illam recogniciouem & ha-
beas tibi cum et hoc breue teste &c.

Hys wrytte of Assisa vltime presentacionis
Teth where I or myne auncester hathe
presented our clerke to a church and af-
ter

Natura

ter our clerke dyeth, so that the church
is voyde, and a straunger dothe present
his clerke to the same church and dothe
distourbe mee. Then I shall haue
thys wytte, or a *Quare impedit* at my plea-
sure. But the assyse is moze better. For
in assise I claime of my proper possessiō,
or of the possessiō of mine aucester. But
in the *Quare impedit* aswel the distourbour,
as I claime the possessiō and right. And
know ye, that wher a man may haue as-
sise of darrein presentment, he mai haue
a *Quare impedit*, but not the contrary. And
the proces is such, Somons resomons a-
gaynst the party, & against the Jurours
Somons, *Habeas corpora, et distr. &c.* And
know ye, that in assise of darrein present-
ment, & *Quare impedit*, a man shall recouer
damages, if. vi. monethes be past befoze
his recouere, he shal recouer h̄ value of
the church by two yeres. And if the reco-
uer be befoze h̄. vi. monthes be past, thē
he shal recouer damages, that is to say,
the halfe of the church for one yere. And
that wyl the statute of Westm. 2. Ca. 5.
which beginneth, *Cū de aduocationib⁹
ecclesiarū*, and in h̄ said estatute, are or-
deined, iii. wyts originalles of aduow-
sons of churches, that is to say, a writ of
right of aduowson, whiche shalbe deter-
mynd by battayle, or graunde Assyse.

A writ

Proces.

A writ of darrein presentment, & a *Quare impedit*, whiche are of the possession. And if any man which hath no ryght to y^e aduowson do present his clerke in the time that the aduowson was to any gardein by reason of any infant, or in tyme of tenant in dower, or by y^e curtesy, for terme of life, for yeares, or in taylor, yet the statute wyl, that when the church falleth voyde, and they in the reuercio after the death of the said tenants, or gardayn be distourbed, they shal haue their recoveri by Assise of darreine presentment. If the said aduowson be recovered against the foresaid tenants & gardeyne, by iudgement or inquisition, notwithstandinge y^e the said tenants, & gardein hath faintly defended they^r plee, but the iudgement shal stand in his force, vntill suche tyme that it be adnulled by iudgement in the kings court by Error, Attaint, or by Certificacion, as the said statute wil. &c

¶ Addicion.

Know ye, y^e in these cases, a man shall haue assise of darrein presentment though that he, nor his auncetours had not y^e last presentment. As if I present & after the church falleth voyde, and the bishop doth present bi lyps (ordinary) I shal haue this writ, & if my gardeine do present, I shall haue an Assise of darrayn presentment.

Knowe

Wa. 20. C. 3. 4
M. 6. C. 2.

Natura

A, 18, C, 3

M, 2, C, 3

Know ye, that if the present do respone
yet the writ shal say, qui mortuus est.

Know ye that the pleintife made this
title, that he hymself was seised and pre-
sented &c. & the writ was. Et sum B. qui
aduocationem illā ei defozceat. And the
writ was challenged, & not allowed for
that it is the forme of the Chauncery.

A writ of Quare impedit.

**A writte of
Quare impe-
dit is luche.**

Rex bñ Mōdō salutem. Precipe A. et B. q̄ in-
sue &c. permittant C. presentare idoneā perso-
nam ad ecclesiam de A. que vacat, et ad suā spec-
tat donationem bñ dicit et vnde queritur q̄ p̄dic-
ti A. et B. eum inuise impediunt et nisi fecerint
&c. et tunc sum &c. p̄dicti A. et B. q̄ sint corā Ju-
dic &c. tali die assent. quare non fecerint &c. Et
habeas ibi sum, et hoc breue teſe &c.

This writte of quare impedit lyeth where
a man hath purchased a maner to the
whych maner one aduowson is belon-
ging, the person dyeth, a straunger doth
present hys clerke, then he shal haue the
sayd writ, and not assyle of darrein pre-
sentment. And the proces is in this writ
as in assise of darraigne presentment. As
is contained in the statute of Parl. cap.
12. Somons, Attachement, and one Dis-
tresse, and if the partye defendant come
not at the dystresse, then the playntiffe
shall haue a wrytynge to the Bysshop of
the place, that he may accepte hys clerke
to the sayd church, sayng to the defen-
daunt

Proces

daunt another time his right (if thereof he shal complain.) And know ye, that in Assise of darraine presentment, and in a writ of *quare impedit* daies shal be gyue fro xv. to. xv. And from thye wekes vnto. iiii. wekes, as the place is distant. And that wyl the statute aforesayd.

Addicion.

Knowe ye yf a *quare impedit* be brought against the bishop & a straunger, and the bishop disclaymeth saue onelye as ordynary & the other saith that he is persō in persone of collaciō of the bishop. In this case yf writ shalbe awarded to yf Petropolitane and not to the bishop.

H. 19. C. 3.

Knowe ye yf a *quare impedit* was brought against a prioz as patron, and one A. as Incombent, and hanging the writte the patron dyed, yet the writ was mainteynable, against the Incombent alone.

M. 9. H. 6.

A writ of Ne admittas.

Rex. Venerabili in Christo patri eadem gracia L. episcopo salutē. Prohibimus vobis ne admittas personam ad ecclesiam de N. q̄ vacat (vt dicitur) et de cuius aduocatione cōtencio mota est in curia n̄ra inter A. et B. donec discussum fuerit in eadem curia ad quem eorum pertineat eiusdem ecclesie aduocatio. teste. &c.

A writte of Ne admittas is such.

This writte of Ne admittas lyeth where one manne impleadeth another by a *quare impedit*, or by assise of darrayne presentment in the kynges courte. Then yf the

Natura

the pleintif suppose that the bishop wyl
 present the clerke of the defendaunt, han-
 ging the ple betwyrte them of the sayde
 church, he may haue the said wyrt direc-
 ted to the byshop prohibiting hym, that
 he present no clerke to the said church be-
 fore that it be discussed betwixt the, who
 hath right to the sayd church to present.
 But if they be in plee, and the presentio
 not discussed noz no recovery within the
 bi. monethes, then the bishop shal preset
 by Laps, if the pleintif recouer, he shall
 recouer damages. As is cōteyned in the
 statute of West. 2. cap. 5. And the proces
 is one prohibicion, and vpon the prohibi-
 cion attachement, and a distresse. And
 know ye that if the defendant, in a *Quare*
impedit come not at the distresse. Then the
 pleintif shal haue a wyrt to the byshop,
 that he shal accept hys clerke to the sayd
 church. Sauing another tyme the right
 of the defendaunt. &c. and this wyrt shal
 be Judicial, and is such.

R Ex ec. venerabili vt sup salutem sciatis qd cu
 B. in cuius afa ac. recuperant presentacionem
 suam versus C. ad ecclesiam de M. que vacat per
 defaultam ipsius C. Et ideo vobis mandamus, qd
 non obstantē reclamaē predicti C. ad presentatē
 predicti B. ad ecclesiam idoneam per. onam ad-
 mittatis teste &c.

**CA wyrtte de Quare non
 admisit.**

Rer

Proces

Rex bit. ec. salutem Si A. fecerit te securu de
 Reclam. ec. tunc sum ec. B. Lincoln episcopum q
 sit coram Iustic. ec. offensurum quat cum idē A.
 in curia nostra coram prefat Iustic. nostris recu-
 perasset versus C. present suam ad ecclesiam de
 A. per recognic. allie ultime presentat, ibi inter
 eos captam, propter q mandamus eidem episco-
 po, q nō obstat reclamacione predicti C., ad plē-
 rat. ipsius A. ad ecclesiam predictam idoneam per-
 sonam admitteret, id ep̄s w. clericum predicti A.,
 per ipsū presentatū ad ecclesiam predictā admit-
 tere recusauit in nostri ac mandatorū nostro cō-
 temptū et considerat cū nre predictae lesionem ma-
 nifestā, et habeas ibi sum et hoc breue teste ec.

This wyrt lyeth where a man hath re-
 couered one aduowso of a church, and
 he doth send his able clerke to the bishop
 so; to be presented to the sayd church, and
 the byshop will not receiue him, then he
 wyrt hath recovered shal haue the said
 wyrt. And this wyrt is a writte of Con-
 tempt and al times is Iudiciall and go-
 eth out of the rolles of the Iustices: but
 in tyme of vacacion when the court lyt-
 teth not, thē it shalbe made in the Chaū- **proccs**
 cerv. And the proccs is attachemēt, and
 dysres. And a *Quare non admisit pro rege* hath
 bene made and enlealed by some menne
 without makynge mencion of any reco-
 ueri before made. And yet it is by the pre-
 rogative of the kyng.

¶ Addicion.

Knowe ye, y this wyrt shalbe brought An. 32. h. 6.
 in

Natura

in the countie wher the refusel was made
for that, y he shall reconer nothyng but
damages and not the presentmēt, other-
wyle the writ shal & bate. But a *quare impe-*
dit shal be brought in the countye where
the church is: for that, that he shall reco-
uer the presentmēt, and that is the diuer-
sity. And if the bishop admyt him & make
letters to the archdeacon to induct him,
the bishop is excused though that y arch-
deacon refused to induct him. And he is
put to sue against the archdeacon in the
court Christian, for that is a thinge spi-
ritual. And it is a good plee for the By-
shop to say that he him admitted, & made
letters to the archdeacon for to inducte
him without saying y he him enducted.
¶ And if the writ, to admit hys clerk, be
dyrected to the bycar general and he re-
fuse, yet the *quare non admisit* shal be brought
agaynst the byshop.

¶ 13. C. 3.

¶ 15. C. 3.

¶ The bishop refused to receiue a clerke
and dyed, by whych one prayed a writ a-
gainst the archbishop of Caunterburye
gardeine of the spiritualties, and to him
was denied. But a writ was graūted to
him against y garden of y spiritualties,
but not against y archbishop, for y, that
the firste writ was not directed to hym.

¶ A writte of *Quare*
incumbavit.

Her

Recurrit A. Salutē Si A. fecerit te secus &c. A writ of
 rā Justic. &c. ostensurum quare cum ibem A. cu- quare incum-
 ria nostra coram prefatis Justic nostris recupe- bzauit in luctu
 rasset presentacionem suam ad ecclesiā de J per
 assiam vel recognitionem ultime presentacionis
 intrin inter eos capti deim tñ episcopus pendēte
 pūto in prefata curia nostra corā Justic nostris
 super captiōe ultime presentacionis predictę ec-
 clesiā predictā incumbrauit in ipsi A. pūdicium
 non modicum et grauamē et contra legem et cō-
 suetudinem regni nostri. Et habeas. &c. tēte. &c.
This writ lieth where there is twople
 ding for the aduolsō of a church, and
 hanging the plee the bishop present one
 of his clerkes within the. vi. monethes
 to the said church, then he that hath re-
 couered shall haue this writte against h
 bishop. And knowe ye that this writ lieth
 not but hanging, the plee, for if it be out
 of the plee, and I sende my clarke to the
 bishop for to be of him accepted. And he
 him refuse, and present one of his owne
 clerkes, then I shall haue a Quare impedit,
 or Darraine presentment as my case li-
 eth, and not the Quare incumbrauit. And the
 proces is, Somons, atachment ond dis-
 tresse, And knowe ye that when a Quare
 impedit, or A wile of darreine presentment
 is brought against the bishoppe as dis-
 tourbout of aduolsion of a churche, the
 bishoppe may present because of Laps
 after the terme of. vi. monethes vnto the

¶ Natura

plee determined betwixte hym and the pleintife.

¶ Addition.

29. 11. C. 3.
29. 18. C. 3.

Know ye that after the saying of Ston that a *Quare incumbrauit* lieth not, but where a *Non admittas* is directed to the bishop hanging the writte.

29. 17. C. 3.

And note y this writt shall be brought alwaies in the comō banke, for that, y it is a comon plee. In a *quare incumbrauit* it is no ple to say, that there is no such record here, nor it is no ple to say y the record is sued into y kiges bench & error assined.

2. 11. C. 3.

Know ye that a *Quare incumbrauit* shalbe awarded against the bishop where he incumbreth within the time of. vi. monethes notwithstanding that no accyon was purchased before.

¶ A writte of Prohibition.

A writt of Prohibition is such.

Rex archiepiscopo Cantuar, et eius commiss. Salu-
tem Prohibimus vobis ne teneatis pñtum
in curia Christianitatis de catallis vel debitis
vnde A. querit qd E trahit eum in pñtum in curia
Christianitatis corā vobis nisi catalla vel debita
sint de matrimonio vel de testamēto quia placita
de catallis & debitis qd nō sūt de testamēto vel de
matrimonio spectāt ad corōnā & dignitatē nostrā
telle &c. Eodem modo fiat alia prohibitiō parti ne
sequatur mutatis mutand.

Rex &c venerabili i xpo &c. vel ei⁹ offic, ac corā
committat salutē Prohibimus vñsu. de aduoc
eccles. de A. vel medietatē vel tertie ptis, & vnde
G. & C. pro eius que qd A. episcop⁹ de A. trahit
eor

eorū in p̄lita corā vobis in curia christianitatis q̄
placita de aduoc̄ ecclesiarū spectant ad corone ec.

This writ lieth where a man is imple-
ded in courte Christiane of thinges,
which toucheth no maner of matrimo-
ni, nor testamēt. But such thiges, which
toucheth the crowne of our soueraygne
Lord the king, as Dette, Trespas, or of
any such like which shalbe pleaded in h̄
kinges court, then he may haue the said
writ directed to the ordinaries, and offi-
cers, or commissioners of the sayd court
Christian, them commanding to cease
their ple. And also know ye that he may
haue aswell a prohibicion to the shirife,
that the partie shal not pursue, as to the
officiales, or comissaries. And the pro- **Process**
ces is in this writ, the Prohibicio. And
if the partye sue for the plee in courte
Christian notwithstanding the prohibi-
cion. Then shal go out of the Chaunce,
ry one attachement. And this attache-
ment is retournable (if he cease not, the
shall go the distresse.

¶ Addicion.

Note oute of what court a man shall **An. 13. b. 4.**
haue a prohibicion, and attachement bp̄
a prohibicion. In a writte of Trespasse
brought in the comon place, the parties
being at issue, and hanging that, the
pleintiffe sueth in court christian, the de-
C. ii. **sendant**

pendant shal haue a prohibition oute of the same place.

I. 2. C. 4.

In a *Quare impedit* brought by the king against the person of **I.** for that, that he him distourbed to present to the vicarage of the same church, and before that writ was returned the person hath sued a situation against the present of the king, & he prayed a prohibition: And to him it was granted by the iustices of *h. com.* place.

I. 11. D. 4.

If a man make an othe to enfeffe me of his lande: if I sue him in court Christiane: *Pro lesione fidei*, he shal haue a prohibition against the party and the iuges also. And if a man & his wife do sell land (whiche is of the right of the wife) & the wife is sworne that she shall not sue not *Cui in vita*. And after the death of her husbande she bringeth her *Cui in vita*: and the other sueth her in court Christiane, *Pro lesione fidei*: she shal haue a prohibition.

22. C. 4.

Know ye that if a man be sued in court Christiane, of couenant broken without especialte, or executors are sued, for a simple contract made by their testatour. A prohibition shal be awarded, and yet *h. com.* hath no remedy by *h. com.* law.

D. 16. D. 6.

Know ye if the bailife in court baron holde pleaboue. *xl. s.* the defendant may haue a prohibition: if one swere vpon a boke to paye certaine money, at a certaine

same day, and at the day he paseth not y
money, and the other sueth him in court
Christiane, w^o lessione fidei, he shall
haue a prohibition. &c.

A writ of Inducit.

Rex iudici tali, et eius offic. vel eius commis-
sarie salutem, indicauit nobis A. cū. B. teneat
ecclesiam de C. de aduocatione sua. w. clericus
clamās quartā partē eiusdē ecclesie de aduoc. C.
B. trahit eum inde in p^{ri}u corā vobis in cūcri-
stianitatis q^z vero manifestū est qd̄ predictus A.
tacturā sue aduocationis incurret. si p^{re}dict⁹ w. in
placito illo cām illā optineret, vobis prohibem⁹
ne p^{ri}u illud teneatis in curia christianitatis do-
nec discussum fuerit in curia nostra ad quem il-
lorū pertineat etasdē ecclesie vel capell⁹ aduoc. ac.
quia placita de aduocatione ecclesiarum spectant
ad coronam et dignitatem nostram. teste. &c.

A writ of In-
ducit is
such.

This writte lieth where a debate is
betwixt. ii. clerkes in court cristi-
ane: of a church, or of parte of a
church, or for dismes, which amounteth
at the lest to the value of the fourth part
of a church, or to a greater parte as the
second part, or thirde part then for that,
that the patron of the clerke defendaunt
shall lose hys aduowson (if the clarke of
the pleintife recover in court Christiā)
and the pleint of the aduowson of y^e dys-
mes which amounteth at the lesse to the
fourth part of the value of the churche
belongeth to the court of the kinge, and
may not be gained ne lost i court christi-

Natura

an, for that cause the patron of the clerk
defendant shall haue in the Chauncery
the said writte of *Indicavit*, dyrect to the
clerke of the pleintife, or to the officers
of the court chyzilian, comaūding the to
cease their plee and pursute vntil y it be
discussed in the kinges court, to whom y
aduowson belōgeth. And know ye that
y statute of *West. 2. ca. 5.* which begin-
neth *Cū de aduocationibus ecclesiarū.*
ec. in the ende of the said statute is res-
ted: y if the patron of the clerke pleintife
be such maner distourbed, he shal haue a
writ of right de aduocatione decimarū.
And when the aduowson is discussed in
the kinges court, then the plee shall pro-
cede in the court Chyziliane. And y pro-
ces is, as in a prohibiciō: for it is a pro-
hibicion in it self. And know ye y a writ
of *Indicavit* shalbe betwixt foure persons
two shalbe patrōs, and two shalbe cler-
kes: whereof the one clerke claymeth to
hold the church, or part of the church of
the aduowson of one patron, & the other
clerke of the aduowson, of y other patrō
and if the dismes of the aduowson be de-
maūded in court Chyzilian: & the dismes
be not to the value of the fourth parte of
the church, the the prohibicion shal haue
no place. And know y this writte is not
retournable, but if thei cease not in their
pursute

Proces.

pursute he shal haue one attachement, & after the attachement retourned, h^e distress shall goe out of the rolles of the iustices.

¶ Addicion.

Know ye that if an abbot be person, in **Ap. 12. C. 4.** persōe of the church of Dale, and he demaundeth h^e fourth part of the dismes against one A. Persō of the same church which is in, of h^e presentment of a straūger. In this case the person of his patrō shal haue h^e *Indicavit*. And yet they are but thre persōs in al. And if a mā hath iugement to recouer dismes amōūting to the balure of the fourth part, and sētēce disfinitiue is giuen, and the defendant appeleth to the bishops court by the which the byshop doth sende a delegacy to certayne persons, and they make subdelegacy. In this case the partie shall haue the *Indicavit* to the iudges subdelegacy.

Know ye that befoze the Libell be put **Pa. 31. h. 6.** in, in court Christian, he shall not haue the *Indicavit*, and it behoueth to him that will haue the *Indicavit* to shew the Libell to the Chaunceller.

¶ A writ of consultaciō.

Rex iudici tali salutem. Ex parte w. de h. per A writ of cōsultaciōe ecclesie de h. nobis est ostensū q^d cum sultaciōe ipse nuper petierit corā vobis in curia cristiani: is lach. tatis versus J. de. C. ec. de J. executores testis B. defuncti secundum melius auerium, quod fuit

C. liii.

eiusdē

Natura

eiusdē B. nuper parochiani dicte ecclesie defuncti
 noſe mortuū dicte ecclesie debet, ac p̄ſat execut
 p̄ceſſū p̄ſat p̄dict corā vobis inchoati fraudulē
 ter machinātes impedire aſſerētes quā placitū illud
 in curia chriſtianitatis de catallis & debitis, que
 nō ſūt de teſtamento vel matrimonio quādā p̄hi
 bitionē noſtrā ne placitū vobis dirigi p̄ cui⁹ cui⁹
 p̄hibitiōis p̄textu i causa illa hucusque p̄cedere
 diſſuſiſtis et ad huc deſertis in ipſi⁹ w. & ecclesie
 p̄dicte graue p̄iuditiū & in habūdacionis piculū
 manifeſtū, & quia in articulis p̄ſatis p̄latis & cle
 ricis noſtris p̄ nos nuper cōceſſis plen⁹ cōtinetur
 qđ in decimis, oblationibus mortuā, qñ ſub iſtis
 nominibus p̄ponūtur p̄hibicione n̄e nō eſt loc⁹
 vobis ſignificamus, qđ i causa p̄dicta ſi vero de
 mortuā agat (vt p̄dictū eſt) tūc nō obſtāt p̄hi
 bitione n̄a vltius facere poteritis, quod ſcđm
 formā eccleſiaſtica fore videritis faciendū teſte ac.

AD this writ lieth in caſe where a mā
 is impleded in courte Chriſtiane, of
 thynges which toucheth teſtament, or
 matrimony, and the defendāt doth pur
 chaſe a prohibition in the Chauncery, di
 rected to the ordinarieſ, commaūdyng
 them to ceaſe of theyr p̄lee and purſute,
 by force of which prohibicion, the ple is
 extinguiſhed, then the pleyntiſe ſhal cōe
 into the Chauncery, ſhewing the cōpye
 of their ple conteyned in hys byll to the
 Chaūceller, and then he ſhal haue ſaid
 writ dyrected to the ordinarie befoze ſaid
 commaūdyng thē to purſue forth in y ple
 notwithstanding the prohibition befoze
 to thē dyrected. And know ye that a con
 ſultacion

saltacon lieth euer for the pleintif, that
first moueth the ple in court Christian.

¶ A writ of bi laica remouenda.

Rex v. c. salutē. Precipimus tibi qđ bi laicam
et amnatā qđ B. tenet i prebenda A. de C. in
ecclesia de T. ad pacē nostram parturbendam sine
dilatione amoueas ab eadā. & it qđ tibi resistētes
inuenieris tunc assūpt tecū iusticiē posse cōstitui si
necesse fuerit & eos p corpora sua attach. et in pri-
sona nostra saluo custod. ita qđ hēas corā nobis.
sc. ubicunque &c. ad respond nobis de cōtemptu, et
recessuna supdixtis. Et hēas ibi hoc breue t. &c. &c.

A writ of bi
laica remouē-
da, is such

This writ lieth where debate is betwixt
two persons for a church and the one
doth entre into the church with great po-
wer of lay men, and doth holde the other
out with force: the he y is holdē out shall
haue a writte directed to the shirife, that
he remoue the great power of laye men
(which is within the church) and it shall
be commaunded to the shirife, that if he
finde any men making resistance, that
he shall take with hym the power & ayde
of his county. And al they that did resist
shal be attached by their bodles, and put
them into prison vntill thy come befoze
the king at a certain day to answere of
the cōtempt. And this writ is retourna-
ble, and shal not be graūted befoze that y
bi hop of such a place, or such a church
bath certified in the Chauncery by thys
writte of such resistance &c.

A

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**Writ of ex-
communicato
capiendo
is such.**

¶ A writ of excommunicato capiendo.

Rex vñ salutem, Significavit nobis R. venera-
rabilis pater L. ep̄s per litteras suas patē-
tes, quod R. propter manifestā contumaciam su-
am excommunicatus est, nec vult per censuram
ecclesiasticā iustificari, quia vera potestas regia
sacro sancte ecclesie in querelis eius de esse non
debet tibi precipimus q̄ predictum R. per corpus
suū secundum consuetudinem Anglie Justit̄ do-
nec sancte ecclesie tam de contemptu quam ei ini-
uria illata ab eo fuerit satisfactum cede. &c.

This writ lieth where a man is exco-
menced by the bishop, and if he will
not be iustified by his ordinary. Then
the byshop shall sende hys letter patent
to the Chaunceller reherfing the excom-
mencement. And then shalbe commaun-
ded (to the shirife of the same county) to
take the body of him that is cursed: & by
his body he shalbe chastised vntil he sub-
mit himselfe to the order of holy church
for the cōtempt and wzong by him done.
And this writ is a Justicies. And if the
shirife will not make execution of h̄ said
writ, then shall go out a *sicut alias*, & *Plu-*
ries, and after attachement, as in a *Re-*
pleuin. And knowe ye, that if he that is
excommenced hath made agreement, as
well for the wzong as for the contempte
made to holy church. Then the bishoppe
shall sende his writ to the kinge, certifi-
ng by the same writ that he hath made
agreement

agrement wyth holpe churche for the
contempt. Then shalbe comaunded to the
shire of the same countie by a writ de
excommunicato deliberando: that he shal deliuer
that same man) which is in such maner
imprisoned. &c.

¶ Addicion.

Know ye y a certificat made by these
persons of any excomengement) is of no
valure. If y bishop certifie excomengemēt
by his letters, it is nothig to y purpose. An. 30. E. 3.
L. i. off.

The same lawe is, if the comissary of
the bishop certifie excomengement, but
if it be certified by the archdeacon of
Richemond or by the Deane and chapt-
tour of Caüterbury, in time of vacaciō
it shalbe allowed. T. 7. E. 4.

But if the Deane of saint Martyns, Pa. 20. E. 3.
or abbotte of saint Albons, or other like W. 12. E. 4.
which are persons exempt of euery ordi-
nary iurisdiction, certify excomengemēt
it is nothig to y purpose, nor of no valure

The same law is, if a bishop certify ex-
comengemēt made by an other bishop. H. 33. E. 3.
H. 6. E. 3.
And if y bishop be deade (befoze y the let-
ter of y certificaciō be shewed) it is bolde

The bailiffes and communalty of C. Item cant.
H. 30. E. 3.
brought a writ of rescusse. &c. & shewed
al the matter (as appereth in the case) &c.
And y defendant said, that at the time of
the writ purchased, one J. and. W. was
bayliffes

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balliffes, and said that they wer ercommenged, and shewed the letter of the bishop testifieng the same, and for that, y the writte is taken by the bayliffes & comunaltie without naming any persone by propre name, and the letter of the bishop proueth not for what cause y pleintife nor any of them are ercommenged. &c. the defendant was awarded to answer ouer. &c.

B. 7. B. 2.

In Trespas the defendant saide y the pleintif shal not be answered for that, y he is ercommenged. And shewed y letter of the bishop of P. testifieng y same which was red. &c. Quere (if he haue a letter of absolution) if this writte shal abate or no, it is sayde that it shal not abate. But the iugement shal be that the defendant shal go to god and y pleintife shal not be amerced, but of vrlawye or ther wise is, as it is thought: for ther the writte shal abate.

Quere.

W. 8. C. 3.

Affise brought by a Gardeine of an hospitall, against the archebishop of C. and W. P. & they alleged y the pleintife is ercommenged, and shewed a letter of y same archbishop (which proueth that he is ercommenged) at the instace of W. P. and for that, y W. P. and the archebishop are parties to the Affise, they were charged to answer ouer.

A

A writ of excommunicato deliberando

Rex venerabili. sc. episcopo salutem. **O**steſum a writ af exa
 Rest nobis ex parte w. qd cū ad denuntiā vestrā communicato
 ipsam per viū nostrum. L. tāque excommunicatus deliberando
 clamos ecclesie contēpnētes, precipimus Iusticiē ipsū.

Et eidem in sub cāutione, idoneū absolutionis be
 nefitiū ꝑ. petierit vos ipsū contra iusticiā ad hoc
 admittere recusatis. Et ideo vobis mandam⁹ qd
 ipūm w. cū cāutione huiusmodi absoluat⁹ alio
 qui qd nostri est in hac pte exequimur: teste. ꝑ. Alii

Rex vii salutē cū A. de. h. quē ad denūtiatiōē
 Episcopi venerabilis, ꝑ. tanquā excommunicatū
 ꝑ corp⁹ suū secundū consuetudinē Anglie ꝑ te
 iustificari, precipimus, donec sacte ecclesie tam de
 contemptu quā de iniuria ei illata ab eo esse satis
 faciat iam ab episcopo ipso absolutionis benefi
 ciū in forma iuris meruerit optinere, sicut idē e
 piscopus per litteras suas patētes nobis signifi
 cant, Tibi precipim⁹, qd ipsū A. a p̄sonā, qua de
 tineatur, si ea occacide & nō alia detineatur in ea
 dem sine dilatione deliberari factas: teste. ꝑ.

This writte is, as a Justicies, and if
 the Shirife make not erecution of thys
 writ, he shal haue *sicut alius* and Pluries.
 And know ye that when a mā hath con
 tinued in sentence by. xl. dayes and the
 bishop hath sent his writ to the kynges
 court that he will not be reconciled by h
 ordre of holy church, the king shal sende
 to the Shirife that he be taken, and put in
 prison vntill such time, as he wil be obe
 dient againe to the lawe of holy church.
 But if he excommengee (after that he be
 in prison) suffer sufficient payne, to bee
 vnder

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under the tuition of holy church, if the
bishop refuse such satisfaction, he shall
haue this writ to be deliuered out of p̄so.

¶ A writ of Juris vtum.

A writ of
Juris vtum
is such

Rex v̄s A. salutē. Si A. p̄sona eccl̄ de B. vel
sic: si B. p̄ior eccl̄ beate Marie de A. p̄sona
eccl̄ de B. fecerit te &c. tunc facti &c. xii. liberos.
&c. de b̄ss̄ de C. quod sint corā Justic̄ nostris ad
p̄m̄ all. &c. vel coram iustic̄ n̄ris apud W. talt die
parati sacro recogn̄ vtum vnum messu. cū p̄m̄ in
C. sit libera elemosina p̄m̄ ad ecclesiā ipsi⁹ A. de
B. vel ipsi⁹ p̄oris de B. aut laicū feodū J. vel sic
vtum sit libet elemosina p̄m̄ ad ecclesiā vel ad
capellā aut &c. inter messuagiū illd̄ videāt & nota
eorū in b̄tari facti, & cum p̄ bonos sum̄ p̄dictū J. q̄
messu. illud tenet q̄ tūc sit ibi auditurū illam re-
cogn̄. et habeas ibi sum̄. et hoc breue teste. &c.

Thes writte lyeth, whan the righte
of any church is aliened and holden in
lay see, or translated in the possession of
any other church, & if the alienour dye,
than his successour shall haue the sayde
writ. And know ye ȳ no mā which hath
couent or couent seale maye maintaine
this writ. But a writ of entre: *sine assensu*
capituli, of the alienacion made in time of
hys predecessour as appereth clerely by
a p̄lee in. An. 15. Ed. 3. where the gar-
deine of the Hospital of S. prayd in aide
of the bishoppe of S. and had no apde,
because that the hospitall hath couent
seale. And knowe ye that no man maye
vse a writte of vtum, if he bee not na-
med

med person. But now by þ̄ statute of E.
the thirde. An. 14. ca. 16. whiche begyn-
neth. *Itē est assēt et estable, que vicaris*
gardeins del chapel, prouostes de Chaū
ceries ppetuels parrōt vser cē bzies du
trū des fres ou tenemētes. &c. And also
3. de B. Gardeine of the hospitall of S.
brought a wꝛit of *Virum* the same pere, &
was maintained though that the statute
afoꝛsaid maketh no mencion of Gardei-
nes of hospitaless but ȳ was mainteino-
ned because it was i like case. And know
ye ȳ the statut of westm̄. 2. ca. 24. which
beginneth. *In quibus casibus concedit*
bꝛeue in Canc. in which statute is cōteī
ned this clause. Cod. modo sicut cōcedet
bꝛeue vtrū aliquod tenemētū sit libera e
limosina alicuius eccle, vel laicū feodū
tali de cetra fiat bꝛeue. &c. And this wꝛit
was not graūted, but there where the al-
mes of any church was translated into
lay fee. Now it is ordeined, in ȳ fozsайд
statute of westm̄. 2. that it shalbe graū-
ted aswel there where it is trāslated in-
to the possessiō of any other church, as
there where it is translated into lay fee.
And the proces is such in this wꝛit, So, **Proces.**
mons & resomons againe ȳ partie. And
in Afile of Mozdauncester, and against
the Inrrouers, Somons, *Habeas corpora,*
and distresse. And in this wꝛitte shall
be

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be giuen the same daies, as are giuen in
Assise of Darraigne presentment, & *Quere*
impeit, as it appereth by y^e statute of War-
lebyrdge. Cap. vicesimo secundo.

Addicion.

H. 19. B. 2.

Knowe ye that a recovery in Assise a-
gainst the plaintife selfe, is no barre: for
that, y^e this is his writ of right, & the ple
is not but y^e Jury, other wise is, if he had
said ouer, & the state of y^e plaintif mene.

E. 7. D. 4.

If the tenat plede a recovery in a *Cessant*
that is no barre, for that, that y^e right is
to be tried, but he shal cōclude & so lay fe.

Da. 8. E. 3.

Know ye y^e if a man recover in a writ
of right against a persō, in which plee he
hath not praied in aide of his patron, in
this case his succellour shal haue a *Iuris*
utrum: and the recovery in the writte of
right shal not barre him.

Da. 8. E. 3.

In a *Iuris utrum*, brought by a person of
a chapel, y^e writ was mainteined for him
for that, y^e he toke his title by presentmēt
and Institution, as a persō of a church.

A writte of wasse.

A writ of
wasse is such.

REx hīc salutem. Si A. fecerit &c. tunc cum &c.
offensurū quare cū de cōi con. illo regni nostri
Anglie prouisum ē quod non liceat alicui vassū
venditionē seu districtionē facere de terris, do-
minib⁹, boscis, seu gardinis sibi dimissis ad ter-
minū vite sue vel annorū iō B. de domib⁹ boscis
& gardinis, vel sic de domib⁹. boscis & gardinis in
N. q. A. et dimisit ad terminū annorū, fecit vassū
A.

I. contra formam prouisionis predictæ, & habeas
ibi. &c. teste &c. Eodē modo fiat ad terminum vite
vel p lege Anglie, vel aliquo modo mutandum.

This wzit lieth where tenant for terme
of lyfe, or ternaunt in dower, or tenant
by the curtesy, or gardeyn in chivalrye,
or ternaunt for tearme of yeres, maketh
waste: he in the reuercion shal haue this
wzit (where by the cōmon lawe they had
but a prohibiciō of wast.) And thys wzit
is geuen by the statute of Westm. 2. Ca.
14. And in the same statute: Proces is
suche, somons, attachement, & distresse.
And if the party come not at the distresse
then shalbe commaunded to the shirpe
that he enquire of the waste: and if the
waste be founde by the inquisition of the
enquest, it shalbe returned, and the party
shall recouer treble damages, and the en-
quest shal geue but single damages, and
the court shal treble them, & also he shall
lose the place wasted. And that is geuen
by the statute of Glouc. Ca. 5. which thus
begynneth. *Purueu est enseint que si hōe*
ec. And also the same statute will, that yf
any gardeyn make waste, he shal lose the
warde, but if the losyng of the warde a-
mounte not to as much in valure as the
wast done, then thinfant at hys full age
shall haue the said wzit of wast & recouer
his damages for the rēnant. Also in case
that the ternaunt for tearme of lyfe (or of

f. i.

other

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other persons lyues, make waste and let
ouer his estate, than he in the reuercion,
shall haue this writ of waste against him
to whom the tenaunt for terme of lyfe,
or of other persones liues, let his estate, &
he shall answer of waste made in his own
tyme, for he taketh the lande in such de-
gree as it was in tyme that he lesse let his
estate, but otherwise is in case he tenaunt
in dower, or by he courtesy, let ouer their
estates, and they to whom the tenementes
are letted, do make waste, he in the reuer-
cion shall haue a writte of waste agaynst
those tenants in dower, or by the cour-
tesy, & not agaynst the lesse, for none may
be called tenant in dower, or by the cour-
tesy, but the same ternautes in dower or
by the courtesy. And it is sayde, he in case
that tenant for terme of lyfe make waste
and surrendre his estate to him in the re-
uersion, and he doth accept it, & manure
the lande after, he shall neuer haue an ac-
cion of waste: for that he was not constrain-
ned by the law, to receue or take the land,
the same lawe is of the other aforesayde
tenautes. And know ye, that if lande be
letted to a woman soole, and she taketh a
husband, and the husband maketh waste
and dyeth, the wyfe shall answer of the
waste, and lose the lande, & yeld damages
(if the waste be found) for that, that it was
her

her folp that she would take such a hous-
band y wold make wast. But other wise
is where landes are letten to a man & hys
wyfe, for terme of their liues, & the hous-
bande maketh waste and dyeth, the wyfe
shal not answer for the waste made after
hys death, for this was the folp of the les-
sour (whiche letted the lande to the hous-
band and the wyfe) the which wyfe shal
not be charged of waste made in tyme of
her housband. And know ye that if the te-
nant for terme of life, be disseised, and the
disseisor make waste and the tenant for
tearme of lyfe do recouer by assyse, & such
matter found by the enquest, in a writte
of waste, he in the reuercion shal recouer
of the tenant for tearme of lyfe damages,
for the tenant for terme of lyfe recovered
damages agaynst the disseisor, haupng
regard to the waste made. And if the gar-
deyn make waste, than shalbe done as is
coteyned in Magna carta. Ca. 5. Custos
autem. &c. But there where the kyng sel-
leth or geueth the ward of landes or rene-
mentes, of any infant withyn age, to any
man of the same seignorie, and the gar-
deyn maketh waste, the king will that he
shall lose the warde, and shalbe geuen to
two lawfull menne of the same seignory.
Also by the newe statutes of E. 3. An. 14.
Cap. 12. all suche landes which are in the
F. 11. hande

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hande of the kyng, because of a warde) shalbe letten to the next frendes of the infant, to whom the heritage may not disceide (if they come hastily into the Chauncery) after the *Diem clausit extremum*, returned: and there offer to take the sayde landes, yeldyng to the kyng the value vntil the age of the said heyre as another man wil yeld, without fraud or disceit, & shal haue a cōmission to kepe the said landes and tenementes, by good & sufficient suertie, to aunswer to the king, of the value of the ward by h̄ accoꝝd of the Chauncelour & treasurer, & the heyre shal haue an accion of waste agaynst them, whā he cometh at his ful age. And also by the statute of E. 3. An. 36. Ca. if h̄ Eschetour haue any such ward, and doth aunswere the kyng of the issues, & maketh wast, the heyre shal haue an acciō of waste as wel within age as of ful age, against h̄ escheator & shal make fine at h̄ kinges wil. And the frendes of the infant, as long as he is within age, shal haue the suite, and there of aunswer to the sayd heyre of that, that so shalbe recouered, when he cometh to hys full age. And also in al cases where h̄ heyre within age may implede, his next frendes shalbe receiued to pursue in hys name, as appereth by h̄ statute of west. 2. Ca. 15. And it is sayd, h̄ though the heyre be

be of full age and in his lande, yet he shall
 haue (if he will) a writte of waste agaynst
 him (if was Gardayn to him or agaynst
 him, to whom the Gardayn let the ward)
 and after recouer damages. And knowe
 ye that if the chief lord infeffe any man of
 parcel of the same, that is in his ward, the
 heyre shall haue assyse of Pouel disseison
 mayntenant agaynst the Gardayn & the
 tenant. And if Gardayn shall lose his ward
 shipp of the same thing recovered, and of
 all the remnant if he holdeth in the name
 of the heyre for all his lyfe. And that will
 the statute of Westm. 1. Ca. 47. which be-
 gynneth thus. Si gardayn ou chief seyg-
 nor &c. And know ye that a writ of waste
 shall not be maynteyned agaynst the tenat
 by Elegit, nor agaynst the tenant by sta-
 tute marchant, or by the statute of the ita-
 ple. But if they make waste, he in the re-
 uersion shall haue a writ of account, and
 the sayde tenants are accountable after
 the dette or damages leuted. And knowe
 ye agaynst tennant in mortgage, no writ
 of waste nor account is mayntenable be-
 cause that he hath fee condicionall. And
 know ye if by the statute of West. 2. ca. 22
 which begynneth. Cum duo vel plures, te-
 neant boscum. &c. that if woodes, turba-
 rie, or feshinge be holden in common, of
 two or thre men, and the one of the make

F. liij.

waste

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wasfe, the other ſhal haue a wꝛite of waſte
fourmed in this maner. Cū A. & B. tene-
ant boſcum bel turbariam pꝛoindcuſo, &
fecit baſtum &c. And if the waſte be ſoude
it ſhalbe in y^e eleccion of the defendant to
take hys parte by that aſſygned of y^e ſhy-
rife in the place waſted, oꝛ that he graunte
that he ſhall take nothing in ſuche wood-
des oꝛ turbarye &c. will but as hys parte-
ners will take. And if he will chooſe, to
take hys part in a place certayn, y^e place
waſted ſhalbe to hym aſſygned. And in
caſe that he graunt in y^e court that he ſhal
not take otherwiſe than his companions
will, & after he maketh waſt, his felowes
ſhall bꝛyng the ſayd wꝛitte, and if he will
take his eleccion, as he didde in the fyꝛſte
wꝛitte, he ſhall not be receyued: foꝛ the
ſtatute geueth but one eleccion, and that
hath he hadde, foꝛ the whiche theſe pleyu-
tiſes ſhall recouer the place waſted. And
thys wꝛitte lyeth aſwell betwixte theym
that holdeth foꝛ their lyues, as betwixte
them that holdeth ioynctly in fee, & as well
betwixt them that are in the tenemēt, by
dyuers tytles, as by one tytle if they take
the pꝛofits in common, and no man kno-
wing his ſeueral. As it appeareth, Mica-
el. 21. C. 3. fo. 1. whan anye ought to haue
Eſtowers in any wodes, and the wodes
be waſted and cutte downe, than he ſhall
not

not haue Assise of Pouel disseisin, & that
by y^e statute of West. 2. Ca. 25. which be-
gynneth. Quia non est aliquod breue per
q. &c. And if he be disseised of suche Estou-
uers & dyeth: hys heyre shall haue a Quod
permittat de estouariis. And also if the heyre be
disturbed to haue estouers mayntent af-
ter the death of hys father wherof he dyed
seised, the heyre shall haue a Quod permittat
of Estouers in the place of assise of mort-
dauncestre, the w^{it} is such.

Rex vice. Saltem. p. 2. q. i. i. &c. permittat B. Quod per-
habere rōnabile estouariū suū in bosco bel-
in turbatia bel in b^uccⁱ ipsius A. in C. q. in eo bel-
in ea habere debet et solet: vt dic^t &c. *initiat de
estouariis id
such.*

And also in case if the heyre be distur-
bed as afore is sayde, the w^{it} shall say q
permittat B. habere rationabile estouari-
um suū, in bosco ipsius t^ris in p. de q. C.
pater predicti B. cuius heres ipse est, obt-
it seiscus in dñico suo vt de feodo. And
know ye y^e executo^rs may not maintein a
w^{it} of wast, but it shalbe mayntenable.

Addicion.

It is sayd that a w^{it} of waste lyeth at
the cōmon law agaynst thē whose estates
are made by the law as agaynst the gar-
deyn of a warde, tenant in dower and te-
nant by the curtesy, and for that in suche
w^{its} it nedeth not to rehearse y^e statute.

If a man doe manase o^r th^reatten any
villaynes which are regardant to a man

29. 12. 13. 4

2. 9. 13. 6.

Natura

ner in another coūtie, thā where the maner is so, that they are eloynd and gone away, the accion of wast shalbe brought in the coūtie where the maner is, & there shal the wast be tried, for the waste is all tymes in the maner, but of trespas, per aduenture the lawe is otherwys.

D.49.C.3

In a writte of waste of a house, it is a good plee to saye, y after the lease, the lesfour made the house against the will of helle, iudgemēt &c. And this is a good plee.

D.48.C.2.

In waste the pleyntyfe supposeth the waste to be in diners thinges, y is to say, in a graunge house, and cotage, and byuers ples wer pleaded, as to the graunge and cotage, as appeareth in the case, & as to the house, he sayd that it was fieble at the tyme of the lese &c. and the pleyntife sayde that you your seife, by this dede indented, whiche here is, graunted to repaire and kepe by the sayde house, in as good estate & better than they wer, whan he thē receiued, so is he bounde to repaire & keepe by the house &c. iudgement, if he shalbe receiued, to say that the house fell for fieblenes, and it was iudged that this dede indented, shall not charge hym in thys accion of waste.

A writ of Estrepament is such.

A writ of Estrepament.

Rex Ed. 3. salutem. Cum in statuto apud Glouc dudum editū inter cetera continetur: qd a tēpore quo

re quo pñtū motū fuerit in ciuitate Londō p bñe
 tenēs non habet potestāt faciendū vassū vel eūre-
 pamentum de tñ: q̄ est in dda pendente pñto, et q̄
 ordinatio et stat̄ in alijs ciuitatibus & burgis & a-
 libi p totū regnum Anglie obseruentur ac iam
 ex graui querela w. de E. accepimus, q̄ licet pñtū
 pendeat coram balliuis nostris de S. p peruum
 breue nñm de recto inter A. petentem & B. tenen-
 tem de vna bouata terr̄ pñti, hōci cum pertineñ
 in C. tu tamē vassū & eūre pamentū fecisti, & in dies
 facere non desistis pendente pñto pñcto in ipsi-
 us will' dispendiū non modicum & granamē, ac cō-
 tra formā statuti & ordinationis predictozum pñto
 predicto pendente in discussio: tēte &c.

This writte is in maner a prohibicion
 and lyeth where a man is impleded by
 a *Precipe quod reddat*, of certayne landes oꝝ te-
 nementes, and the demaundaunt suppo-
 seth that the tenaunt will make waste in
 the landes oꝝ tenementes, hangyng the
 pleē, than he shall haue the said writ as is
 conteyned in the statute of Glouc. Ca. 13.
 which begynneth thus. *Puruen est enfe-
 ment que del heur. &c.* And if the pleē be
 moued in London, thā the demaundant
 shall haue the sayd writte directed to the
 Mayre and Shyryfes, ȳ they shal cause the
 tenementes to be kept, & that no waste be
 made in thē. In the same maner shalbe if
 the pleē be moued afoze the iustices, then ȳ
 demaundant shal haue this writ directed
 to the Shyryfe of the same countie, where
 these tenemētes are, to defend the tenant
 that

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that he make no waste hangyng the plee.
And know ye that thys wrytte lyeth pꝛoꝛ
perly, when a man demaundeth any lan
des oꝛ tenemētes by a fozmedon oꝛ wꝛit
of right where he shall recouer no dama
ges but in case ȳ he bꝛyng a wꝛit, wherein
he shall recouer damages, than he shall re
couer damages hauing regard to ȳ wast
And also in case that he hath recovered
by iudgemēt in the kinges court, & the te
nant after the iudgement geuen, & afoꝛe
that the demaundant be put in possession
by the shꝛiffe by fozce of a wꝛit whiche is
called *Habere fac. seisinam*, he maketh distruc
cion, then he shall haue attachement a
gaynst the tenaunt, to be afoꝛe the Just
ices at a certayne daye, to shewe foz what
cause he made waste, & there shall be mēcio
made in the sayd wꝛitte of the recouerye
had befoꝛe. And thys wꝛit shall goe out of
the Rolles of the Justices, if it be not in
tyme of vacacion when the Justices are
risen, & than it shall be made in the Chaũ
cery. And the pꝛoces is such, attachemēt
and distresse, and foz default of dystresse,
pꝛoces of vclawꝝ.

Addicion.

In Estrepament agaynst an infante,
he pꝛayed hys age, and was put out foz ȳ
that it is but in the nature of trespass. In
the same plee it is sayd, that pꝛoces of vclawꝝ
lawꝝ

Pꝛoces.

22. 2. 6

law, y^e lyeth not in this accion.

And if a man recouer land, the whiche was sowed, & afore excecucion sued, the tenant hath reaped the cozne, & carryd it away: in this case he that recovered, shal not haue a writ of Estrepament, but an accion of trespass.

A writ of De homine replegiando. A writ de ho-

Rex v^{er}bi^{us} R. salutē. Precepimus tibi q^{uod} iuste & si-
ne dilatione reple fac. A. quē B. cepit, & captum giando is
tenet, vel sic quem tu ipse cepisti & captum teneas
vel quem B. cepit, & tu ipse cap^{er}e teneas vt dīc^{it} n^{ost}r^{us}
sic cap^{er}e sit p^{er} speciale p^{re}ceptum n^{ost}r^{um} vel cap^{er}e
Iustic^{ie} n^{ost}re vel p^{er} morte hominis b^{ut} foresta n^{ost}ra,
vel p^{er} aliquo alio recto: quare secundū cōsuetud^{em} re-
gni n^{ost}ri Ang^{lie} non sit replegiabilis. Ne amplius
inde clam^{or} aud^{ire} pro defectu iusticie. teste &c.

Thys writte lyeth, where a man is im-
prisoned, whiche is recopleuisable thā
he that is in prision shal haue the sayde
writte directed to the shyriffe, that he re-
pleuy him which is in prision (except he
be in prision by especiall commaundemēt
of the kyng) or of the chief Iustice, or for
the death of a man, or for the kynges fo-
rest, or for anye other cause (whereof he
shal not be repleuisable.) And knowe ye
that this writte is a Iusticies, and not retur-
nable, but if the shyriffe make not reple-
uyn by thys writte, then shal goe oute a
sicut alias, vel causam nobis significes: and yet if he
doe it not, or if he may not do it, then shal
go out Cum pluribus vel causam nobis significes, whi-
che

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che shall be retourned. And if the thyrpfe make not yet repleuin, thā shall there goe out attachement agaynst the shirife, dyrecied to the cozoners of the same countie that they shal cause the shirife to be attached, & ouer that, that they shal make execution of the first writ, & that by the statute of west. 1. Cap. 15. which beginneth. *Pur ceo que les vic. & auters. &c.* the shirife, constables, nor baylifes, of scē, shall repleuin any mā that is not repleuisable and he that hath the keeping of prisons in scē, shall lose the bailewike for ever & shal haue then prisonment of thre yeres. And he that holdeth these prisoners (whiche are repleuisable) after y they haue offred sufficient suerty, shalbe greuously amerced agaynst the kyng. And know ye, that if a man doe a trespass within the forest, for which he is taken, and put in prison, and y gardeyn of the forest will not hym repleuin, nor lette hym to maynepysle: a writ shalbe sent to the shirife of the place to attache the sayd gardeyn, to be before the kyng at a certayne daye, for to shewe wherefore he hath not made repleuin of the sayde man, and be it conteyned in the writte that the shirife cast the verdours, and the names of the maynepernours to make deliuerpe to the sayde verdours, and answer in Cyre before the Justices.

And

And that by the statute of Ed. the thyrde,
 An. 1. Ca. 9. which beginneth. Cū Hugh.
 &c. And knowe ye that no man shalbe ta-
 ken noz imprisoned for bert, oz venison
 if it be not found by verdit oz enditemēt:
 in which two cases he shall let to mayne-
 ppyse by the wardeyne of the office, oz o-
 therwysse by wytte, oz the Gardeyn shall
 be attached as is aforesayd. And yf fourm
 how a man may be endited for trespas of
 bert oz venison, is conteyned in the sta-
 tute, whiche is called Addicio de foresta:
 made in the tyme of king Edward, sone
 of king Hery. An. 34. And knowe ye, that
 for trespas in parkes, a writ of trespas is
 geuen to the party, to recouer his dama-
 ges, oz elles the kyng shall haue the suite
 after the yere and the day, as is mētioned
 in the statute of West. 1. Cap. 20. whiche
 begynneth. Puruen est ensemēt, que ma-
 lefactours in parkes ou en biuers. &c.

A writ of Replegiare de auerſis.

Rex vic. salutem. Precipimus tibi qd iuste &c. A writte of
 Replegiari fac. A. de B. aueria sua: que B. de W. Replegiare
 cepit & iniuste detinet ut dic. Et postea cum inde de aueris is
 iuste deduci facias. Ne amplius inde clamorem such.
 audiamus pro defectu iusticie: telle. &c.

This wytte shall goe out of the Chaū-
 cerpe, dyrected to the shyrife, that he
 make deliuerance of the beastes of the
 tenaunt whiche are in name of dyffresse.
 And yf the shyrife serue not the wytte,
 than

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than shalbe made as is aforesaid. *De hominū replegiando.* And know ye that in takyng of beastes. vi. thinges are necessary, that is to say, very lord, very tenant, seruice beynde, the daye of the takynge, seyson of the seruices, & within hys fee. And know ye that a man is not very tenant vntyl he hath attourned to the lord by some seruices. And know ye that a man may haue a repleuin, aswell by playnt, to the shirife or baylifes of the fraunchese, as by writ. And know ye that the statute of *Westm.* 2. *Capi. 2.* whiche begynneth. *Quia dominus feodorum &c.* will, that if the tenant haue repleued his beastes by writ in the countie, the lord shall haue a *Pone* out of the Chauncery, directed to the shirife that he remoue the plee, whiche is in the countie or in other court, betwixt one such lord and one such tenant into the kynges court, and the *Pone* shall say: *Done loquelam que est in com̃ tuo per breue nostrum, inter J & B. de aueris ipsius J. captis & iniuste detentis &c.* And also the defendant may remoue, but not without reasonable cause, as it appereth more playnely by the Register. But if the plee be without writte in countie or in courts Baron, than maye the playntife remoue the plee into the common banke by the *Recordare facias.* And in the same maner may the

the defendāt with reasonable cause. And knowe ye, that if the lord that distreyned doe distreyn another time after that the shirife hath made repleuyn by writte, or without writte, as well afoze the *Pone* or the *Recordare* as after, and for the same thyng, for whiche he toke the dystresse afoze, the playntife may haue a writ directed to the shirife for to attache the lord for to be before the Justices of the common banke at a certayn day to aunswer, wherfoze he tooke the second dystresse for the same cause, if the dystresse be made after the *Pone*, or after the *Recordare*, than the writte shall commaunde the shirife, that he haue the bodye of the lord before hym and hys cozoners at hys next courtie, and if the lord be conuicted of the second dystresse taken for the same cause, by y same baylifes which made the repleuyn, or by other good people of the same countie, than he shalbe amerced so greuously that hys chastysment. In casu consimilitis mozem aliis prebeat taliter delinquentibus erēplum. And this writ is maynteyned by y statute of *Parl. Ca. 3.* which becometh. *Requis maior aut minor.* And y proces is in this writ of *Pone*. *Somons*, *Attachement*, & *dystresse*. And for default of dystresse, proces of *vtlawry* against the defendāt. And y appereth in a merueylous case

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case that the lord shall haue the *Pone*, for by the common law, the defendant shall not haue the *Pone*, & the lord in this case appereth to be defēdant, whā the tenant hath broughte agaynst hym a repleyn, but it is not so here, for as much as y lord distreyned his tenaunt, for the seruices & suites, which to him was due. And therefore it shalbe intended that he is demandant, & not defēdāt. And this clause shalbe put in the *Pone*. *Quia talis distrinxit in feodo suo pro seruicij sibi debitis. &c.*

¶ Addicion.

H. 20. H. 6

¶ In repleyn it is a good plēe for the defēdāt to say, that the propertie of y beastes, was in one such & not in y plaintife.

H. 33. C. 3

¶ If the lord distreyn hys tenant notwithstanding that the tenant haue agayn his beastes, he shall haue a repleyn, for that that he may not haue an accion of Trespasse. And it is a good ple to say, that the pleyntife hath nothing but in common.

H. 1. H. 6.

¶ And in a repleyn brought in by diuers persones, the defendant may say, that the property is in one of these pleintifes, and not to all. And if a man take a false writ of repleyn, by y which the defēdant hath retorne, the pleyntife shall haue a newe repleyn, and so he may haue of as many false writtes as he will, for y that the statute dooth remedye but one suite onelye.

If a man in a repleuin, auoweth the taking of h^e distress. &c. & the distress is corne in the sheafes, that is no good auow^y; for it is sayd that a mā may not distress wheate in sheafes, ne other manner of corne excepte that they be in a cart, for a man may not distress in shokes, for the losse that may folow in scattering of the same corne &c. And so it is of money, if it be not in a bagge sealed for that, & one peny may not be know by the other, and that appeareth in Trespas.

He that is a straunger to auow^y shall charge the auowant, to auow vpon hym though he claime not by hym, vpon whō the auow^y is made, if he may lay seison by the pleintifes handes, for if the auowant accept him for his tenaunt though he come in by disseison or otherwyle he shall auow vpon him. And it is said in the same ple^t if the baylif make cognisaunce and the lord soyne to him, the pleyntiffe shall recouer damages agaynst the lord. And if the lord auow for the same cause, the bailif is maintainant out of h^e court.

If a rent be graunted to me, and another, & my felow releaseth to me. I shall make auow^y for al the rent, & yet I am by several tytles, but it is convenient y^e shewe the release in myne auow^y.

He that hath estate, of one copercener

C. i.

shall

Natura

¶ 7. C. 3. **¶** That a new for a rent graunted vpon the purperty, without dede, & shew the matter in hys auowry whose estate he hath. **¶** If the mean be foriudged the lord shal auowe vpon the tenat for the arrerages in the meane tyme afoze the foriudger &c. for he mai not auow vpo the mean in so much that the meanolty is extinct.

A wypte of Non admittas.

¶ **A** wypte of Non admittas is such. **¶** *Ex bic autem Cum per breue nostru tibi p: Receptimus: q: aueria A. que B. cepit & inuaste de sinet bi dic eidem A. rept feceris vel causam nobis significes, quare mandata nostra tibi inde directi exequi non potuisti aut noluisse ac balliuis C. de w. quibus returnum breuis nostri tibi inde directi habere fecisti nihil inde facere curaueris propt nobis significasti, precipim? quod propter libertatem predictam non omittas cum eam ingrederis et auct predict eidem A. sine dilac rept facias eodem tenore breuis nostri inde tibi directi teste. &c.*

¶ This wypte lyeth where any wyte is directed to the shirif for to do the kings commaundemēt. And the shirif doth retorne the wypte, and saith that he hath set to the baylifes of the franchyse, whych haue retourne of wypttes, within which franchyse the wypte shal be serued, and the baylyffe serueth not the wypte, then the partye pleyntiffe shal haue the sayde wypte dyrected to the Shiriffe (*Quod non omittat. &c.*) *Quin exequatur p: ceptum domini regis. &c.* And also a **may**

may haue aueremēt aſwel againſt þ̄ baſſ 9.12. C.3.
 lyf of the fraunchiſe, which hath hole re-
 tourne of the kinges wyrt, againſte the
 ſhirif aſwel of ſmal iſſues ſo returned as
 in other caſes, as it apereth by þ̄ ſtatute
 of C.3. an. 1. ca. 5. And as is contēned in
 the ſtatute of Weſt. 2. ca. 39. in þ̄ myds,
 whych beginneth *Multotiens etiam* &c.
 that the ſhirif ſhal warne the bayliſ that
 he be afoze the Juſtices at a certain day,
 as is contēned in the kynges wyrt, and
 yf he come at the day lymitted, and hym
 acquyte, that the ſhyrpe to him directed
 any precept, thē the ſhirif ſhal be condēp-
 ned to the lord of the fraunchiſe, and yeld
 damages, to the party greued. And if the
 baylyſe come not at the day aſſygned, oꝝ
 hym acquyte, then all the wyrttes Judi-
 cialles, whych ſhal go out of the bank to
 the ſhirife, durynge the ſame pleē: ſhal be
 called *Non omittas* &c. And the ſhyrif ſhal
 make execucion of all the wyrttes du-
 ryng the pleē. And in thys caſe the lord
 ſhall looſe the fraunchyſe, hanginge the
 pleē. And know ye that yf the ple of *Wit-
 thernam* be in the countye, and the ſhy-
 rpe ſende to the baylyſe of the fraun-
 ches ſoꝝ to repleuyn the beaſtes oꝝ goods,
 whiche are taken in the name of diſtreſs,
 and the baylyſe wyll doe nothyng, than
 the ſhyrpe of hys offyce maye enter

Natura

in the franchises without writ. As appeareth in the statute of Marl' ca. 21. which beginneth: *Provisum est etiam, qd si auctoria* etc. And also the statute of West. 1. ca. 17. which beginneth. *Purueu est enserment que null. &c.* And therfore it is not holden in the one case ne in the other. &c.

A writ of Withernam.

A writte of
withernam
is such,

Rex hic salutem cum pluries tibi precepimus qd iuste et sine dilacione reple fac. A. aueria sua que B. cepit & iniuste detinet (vt dicit) vel causa nobis significares quare mandata nra tibi indirecta exequi noluisse aut non potuisse, ac tu nobis significaueris qd postq̃ predictus B. auct̃ predicti A. cepit in comitatu suo. & ea a comitatu illo fugauit de com̃ in com̃, ita quod inuenire nō potuerunt. Nos malicie predicti B. obuiare volentes in hac parte. Tibi precepimus qd aueria predicti B. in balliu tuu capias in withernam. & ea detineas donec aueria predicti A. reple possis iuxta tenorem mandatorum nostrorum inde tibi directi coram nobis &c.

This writ lyeth where the lord distresseth his tenant, for certayne seruices, or suites, and the lord doth chase the distress to a forrelete, or to a castell, or oute of the same countye where the distress was taken, into another countye, or otherwyle, so that the shirpfe maye not haue the sight of the beastes, for to make repleuin, or in suche lyke maner as appeareth by the Register. And if the tenant bypng hys writ of repleuin. sicut
alias

alias & pluris, and the Shiryffe retourne
 that he may not haue the sight of the dy-
 stres, for that, that the dystres is chaſed
 to a fortele, or castel, or out of one counti-
 ty into another, the the sayd tenant ſhal
 haue the sayd writ &c. And know ye that
 by the statute of West. 1. cap. 17. whiche
 beginneth: *Peruenit enſemet, que non
 deſozmes* &c. that if any incloſe the bea-
 ſtes, whiche he hath taken in name of dy-
 ſtres, in a fortele or castel, that the Shy-
 rff may make as is contiened in y^e ſame
 ſtatute, at the ſuit of the pleintif that the
 ſhirif ſhal go to the caſtel, or fortele, and
 ther warne the lord, or him y^e tooke the
 beaſtes to make deliuerance, and yf he
 wyl not make deliuerance, the he ſhall
 abate the caſtel or fortele for the treſpas
 and diſpite done to the kyng. And know
 ye, that if the dystres be taken wthin a
 fraunchiſe, and the bayliſe of the fraun-
 chyſe wyl not redeliuer, the the ſhirif af-
 ter complaint to him made, mai deliuer
 the dystres by his officer. As it appereth
 in the ſtatute of Mar. cap. 21. which be-
 ginneth: *Proviſu eſt etiam q^d aueria*. &c.
 And the pces is in this writ as in y^e Pone.

Addicion.

Know ye that in a replevin at the *pluris*
 it was retourned, *aueria elongata ſunt*
 and the defendant appered, & not wthan.

G. iii.

dyng

Proced.

M. 7. C. 3.

Natura

ding a **W**ithernam was awarded, & for
that that it was awarded erroneously, &
Justices awarded a *superfediis* for the defen-
dant, to the shyfse to surcease, and yf he
haue taken the beastes of the defendant
that he them restoze, and the shirif retur-
ned, that befoze the *superfediis* to hym deli-
uered, he hath deliuered the beastes of the
defendant to the pleyntife. And that the
pleyntife the hath eloined, that he maye
not them restoze to the defendaunt. And
the defendant appereth, and pleaderth to
the original, that he tooke them not, and
prayerth a **W**ithernam against the plea-
tiff. And the court said, yf he pleyntif wil
not wage deliuerance, yf he shal haue it.

T. 7. R. 1

In a repleuin after auowze, the plein-
tif is nonsuit, and the defendant saeth a
*W*ryt de *retorno habendo*, and the shirif retur-
ned, that they were eloynd. In this case
he shal not haue a **W**ithernam befoze yf
he hath sued a *scire facias* agaynst his pled-
ges. So knowe ye, howe a **W**ithernam
shall be awarded agaynst the pleyntife.

**1. 4.
1. 5.**

Note ye that the shyfse may award a
Withernam in his county wher the re-
pleuin is sued by pleynt. For other wyse
it shalbe in bayn to sue a repleuin befoze
hym, if he may not make proces.

Knowe ye yf the beastes of the defen-
dant be taken in **W**ithernam, the shirif
ought

ought not to deliuer the to the pleintyf,
but ought to kepe the vntill the defendac
wyl deliuer the other beastes first take.
For the wryt wyl *Quod capias .etc. et detineas
quousque .etc.* And that is to be entended in
y comon bank, otherwise is in the kings
bench. And so know the diuersity.

¶ The thirif may make take. *rr.* Dre in
Withernam, notwithstanding the reple-
uing be but of one Dre. And if the reple-
uin be of pots and pans, he may take in
Withernam, Dren and other goodes.

A wryt de Libertate probanda.

*R*ex vobis salutem. Bonfravit nobis A. q. cu ip-
se liber homo sit et parat libertatem sua pro-
bare B. clamans cum natuum suum deat cu in-
iuste. Et ideo tibi precipim⁹: q. si predictus A. se-
cerit te secus de libertate sua probanda, tunc ponas
loquelam illam coram Justiciariis ad primam assisam
cu in partes illas venerint quia hmoi pbatio no
pertinet ad te capiend, et interim eidem A. pacem
inde habet fac, q. dic prefato B. quod sit ibi loque-
lam suam versus predictum A. inde prosecutus si
voluerit. Et habeas ibi hoc breue. *ac.*

A wryt de Natuo habendo.

*R*ex vobis salutem. Precipimus tibi q. iuste q. sine
dilatione habere fac A. natuum cum oibus cat-
tuis, et tota sequela sua ubicunque inuentus fuerit
in balia tua nisi sit in dominico nro q. fugit de terra
sua, post coronacionem dni H. R. prog. nri. Et p-
hibemus tibi sup forisfact ne quis eu iniuste de-
lineat teste. *ac.* Aliter si manserit in dominico p-
minus tempus quam p vnu annum et vnum diem,
tunc fiat pro domino natui hoc breue.

G.iii.

Rex

An. 13. B. 6.
Ap. 11. E. 3.

A wryt de
Libertate pro-
banda is such

A wryt de
Natuo habendo is such.

Natura

Rex hic. salutē. Precipimus tibi qd nūq̄ A. qd
B. clamat nativum suum in cōm tuo per breue
nostrum manserit in dominico nō de A. per unū
annum et unum diem sine calumnia non rema-
neat loquela predicta in cōm tuo eo qd manserit
in dominico nō per minus tempus. &c.

These wꝛits lye for the lord when hys
neyfe is fled from hym, then the lord
shall haue these dyrected to the shyrif, in
what county soeuer the nyefe is abiding
or dwellynge, that he cause the lord to
haue hys nyefe wyth al his goodes. And
knowe ye that in such wꝛittes mo niefes
may not be demaunded then twoo. But
mo niefes, may byyng the wꝛyt of *Libertas*
re probanda, and that is in fauour of liberti
And if the nyefe purchase his wꝛyt of *Li-*
bertate probanda, befoze that h lord purchase
his *Pone*, he shal be in peace vnto the next
Assise of Justices in Cire, but if the lord
purchase hys *Pone*, befoze the nyefe pur-
chase hys wꝛit of *Libertate probanda*, then the
wꝛit of *Libertate probanda*, is nothing worth
for the nyefe. And in thys wꝛytte, it be-
houeth that the lord pꝛoue, that he was
seysed of hym, or of hys bloude. And yf
the lord can pꝛoue no seysure of anye
of hys bloude, he shall wyne nothyng:
if the nyefe haue not knowledged hym
Iesse in court of recoꝝd, to be hys villein.
And knowe ye that yf twoo coperceners
byyng a wꝛit of *Natiuo habendo*, and the one
is non

is nonsuit. The suyt for both shall faile,
 and that is in fauoure of lyberte. And
 knowe ye by the statute of E. 3. An. 25.
De prouisorū victualū. Ca. 8. that not
 withstanding the adiournamēt in Cire
 in fauoure of nyses, for delayeng theyr
 lordes of theyr accion agaynst such nyses,
 the lordes shalbe receiued, to alledge
 excepcions of byllenage agaynst the
 persons, in al wryttes wher that the said
 wrytte of *Libertate probanda* is purchased by
 disceyte, and the lordes may seise the bo-
 dies of those byllaynes, as well as they
 may afore suche wryttes (of *Libertate probanda*)
 wer ordeined, or purchased. And loke
 in the statute of Rycharde the. 2. Capi. 6.
 an. 1. which begineth. Al greuous plai-
 nes que touchent lestate des villaines &c.
 And knowe ye, that if the byllain of anye
 lord, haue dwelled in auncient demeane
 of the king by the space of a yere & a day,
 wythout sclaunder of the lord or claime,
 he may not haue hym by no wryt out of
 the sayd auncient demeane. But it is said
 if he be found out of auncient demeane,
 the lord may seise hym as hys bylleyne.
 And knowe ye that thys wryt is vicoū-
 tyel, and not retournable but it maye be
 remoued by a Pone, out of the county, in-
 to the comon banke, as it is sayde. And
 knowe ye in case that the lord be not a-
 ble

Natura

ble to discrein his villafnes, to cause the
make & do theyr seruices, he may haue a
byl directed to h^e thirif, for to be aydyng
to him ther, wher he is not sufficient. &c.

¶ A wytte de Moderata misericordia.

A wytte de
moderata mi-
sericordia is
such.

Rex balliuis A. de J. bel tali domino bel hic.
salutem. Monstrauit nobis A. q^d cū ipse nup
americiend esset in cur tua de J. bel in cur predic-
ti dñi tui de J. pro modico delicto in q^d incidit ac-
tu bel vos ab eo gñe exigitis bel exigitis redemp-
tionem contra tenorem Wagne carie de libertati-
bus Anglie, in qua continet q^d nullus liber homo
americiet, nisi scōz quantitatē delicti, et hoc sal-
uo cōtēto suo, & villanis saluo wapnagio suo.
Et ideo tibi bel vobis precipimus, q^d a prefato A
moderatam capias bel captatis misericordiā se-
cundū quantitatem delicti illius ne clamor ad nos
inde perueniat iteratus tehe. &c.

Thys wytte lyeth in case where a man
is amerced in county or court baron.
more greuously than he ought to be amer-
ced, in hauing no regard to the quantiti
of the trespass, then he shal haue the said
writte to the thyrife, if it be in county, or
to the baylyfe, yf the pleynt be in courte
baron, that they shal not amerce him o-
uer greuously, but after the quantity of
the Trespas. And yf they moderate not
the amercyament by thys wytte, than
shall there go out, a sicut alias, bel causam
nobis significes. And knowe ye: that
the register in thys case ggueth no other
proces

proces after that sicut alias, but a Somōs.
 Et ideo quere. And if they do nothing bi
 this wꝛt, then shal go attachement out
 of the Chauncery agaynst thē that they
 be before the Justices at a certaine day,
 and after the attachement retourned: yf
 they come not: than shal go out a distres
 and for default of a distres, proces of out-
 lawꝛy. And knowe ye that no man shal
 be amerced by the lawe, but hauinge re-
 gard to þ quantity of hys trespass. A mar-
 chaunt sauing his marchaundise, and a
 byllaine sauing his gavnage, hauing re-
 gard to the quantity of the trespass as a-
 pereth in Magna Carta ca. 14. Nullus
 liber homo amercietur &c. and in West.
 2. ca. 6. whiche begynneth: Et nul Cite,
 brough, ne belleine nul hōe amercie sās
 resonable encheson. &c.

A wꝛt de Transgressionē.

R Ex hic salutem. Si A. fecerit &c. tunc Done
 B. &c. p sit &c. tali die offen. quare bi et armis a writ of tra
 in ipsum A. apud B. insultum fecit et ipsu derbe greSSION is
 raunt, vulnerauit, et male tractauit. Et alia enor- such.
 mia ei intulit ad graue dampnum ipsius A. & cōf
 pacem nostram. Et habeas &c. test. &c. Aliter de
 quatera. Offensum quare in querera ipsius A. a-
 pud f. foderunt petras ad valentiam .xx. li. sine *Quare*
 licentia et voluntate sua ceperunt &c. Aliter de *Done*
 columbis. Offensum quare columbare ipsius A.
 apud T. noctant fregit et columbas suas in eod
 columbare existentes maliciose interfecit, per qd
 idem A. volatum eiu dem columbaris totaliter
 amissit et alia enormia &c.

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Thys wryt lieth where the Trespas is
 made, or done to any man or woman,
 and supposed that the Trespas is done
 with force, and armes. The he to whom
 the Trespas was made, shal haue thys
 wryt, and in this wryt he shal recouer da
 mage. And note ye: y the statute of west.
 1. Ca. 37. which beginneth: Pur ceo qui
 ascun gentz de la terre. &c. a manne shal
 haue a wryt of Attaint in ple of Londō,
 or freeholde, or of a thyng that toucheth
 freehold. And now by the newe statutes
 of E. 3. an. 1. ca. 6. Attaintes shalbe graū
 ted, in wryts of Trespas aswel vpon the
 damages, as vpon the pꝛincipal. And the
 Chaunceler hath power to graunt thys
 wryt without speaking to the king. And
 that the Justices in no case of attaynte
 shal let for to take attaintes of the dama
 ges not payed, and by the statute made
 an. 5. E. 3. Cap. 7. in the end, a man shal
 haue a wryt of attaynt in plee of trespass
 moued befoze the Justices without wryt
 if y damages adiudged pas. xl. s. And af
 ter bi the statute of the same king. an. 28
 cap. 8. A wryt of attaynt shalbe graūted
 aswel vpon a bil of trespass, as by a wryt
 of trespass without hauing regard to the
 quantite of the damages. And after by
 the statute of the same king. an. 34. ca. 7.
 a man mai haue attaint, aswel of ple roi
 al, as

al, as of ple personal. And that the wꝛyt of attaint be graunted to poꝛe men, that wyl sweare y they haue nothing, where of they may make fine: sauꝑg theyꝝ couꝛtenaunce they shal haue it without fine, as al other shal haue it foꝛ the fine. And knowe ye that a wꝛit of Trespas, ne attaint shal not be mainteined, yf the damages passe not. xl. s. befoꝛe Justic. And no thirese shal hold ple in countye, yf the damages passe. xl. s. And y is ordeyned by the statute of Glouc, cap. 8. whych be- ginneth: *Puruen est ensemēt que bicūte &c.* And this wꝛytte shal not be remoued in the comon bank with cause. But yf y ple be in countie, without wꝛyt, it maye be remoued afoꝛe the Justices, because that the ple toucheth freehold, oꝛ in case that the defendānt do claime the pleintif to be his billeyne, & suche like cases. And also this wꝛyt hath ben of recoꝛd by such cause, that the grounde where the trees grewe, was the freehold (*Contra quem clamor est*) and y proces is in this wꝛyt, Proces. attachement and distres, and foꝛ default of distres, thꝛe capias, and a exigent pro- claymed in siue countyes.

¶ Addicion.

¶ In Trespas it was sayde: if a lease be made to a man foꝛ terme of yeres, & after the term is expired, and the lesse holdeth

T. 22. C. 4

hym

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hym in, and the lessoure entreteth not, for the occupacion after the term, this writ of Trespas wyl not lye.

H.22. C.4. ¶ It was said in trespass. &c. that for the mysuser of a thyng, taken for damage fe saunt, a man shalbe charged as a trespassour, from the begynning, and so it is of a dyltres taken if it be measured &c. And in this case the defendand wyl iustify for damage fesaunt, and the pleyntyf shewe howe he hath mysused that and so of hys owne wrong that is no good replicacio. But he to shewe the mysuser, & no more, for the law in him self entendeth y quer.

H.12. D.4. ¶ In trespass a diuersity was put when a man is impleaded, for not doynge of a thyng that he ought to do, & whē he hath done a thyng y he ought not to do, for in the first case he thinketh that he shal not be punished by an accio of Trespas *Quare vi et armis*. But an accion vpon the case lyeth, but in the other case he shalbe punished. *Quare vi et armis, quere tamen*.

H.12. D.4. ¶ In Trespas. *Quare filium et heredē suum abduxit, &c.* and for that, that he shewed not, that the maryage to hym belongeth excepton was taken, but for all that, as it is thought it is not allowable, for it may be that the auncestour of the infant held of the pleyntyfe, by knyghtes seruyces, and yet he shal not haue the maryage: for

for he may holde of another by priority.

In trespass against thre, they pleaded **E. 2. B. 61**
not guilty, and founde guilty, the one died
after the enquest taken, yet the pleyntyfe
had iudgement to recouer against the o-
ther, whych were on lyue.

In a writ of Trespas, of beastes take
the defendant iustified, as baylyf for ser-
uices behynde. &c. And the pleintif sayd,
that he was not baylyf. &c. And whereof
they were at issue, the pleintif shewed in
evidence, how he toke them in claymyng
them as haristres for himself. **E. 2. B. 41**
Thop.
though that the lord after agree to his ta-
kyng for seruices due to the lord, yet he
may not be sayde hys baylyfe. But yf he
take them without comāndement, for
seruices due to the lord & the lord after a-
gree to hys taking, he shalbe iudged as bai-
lif, though that was not hys bailif in no
place afore hys taking & so the diuersitye.

In trespass of two Chartours taken a
way. the defendant pleaded not guilty, &
was found guilty, to the damages of. 40. s.
And was pleded in arrest of iudgement
there yf the pleintif shewed not in his de-
claraciō, how much land was cōpyled
wīn the Chartours, & not alowed. And
diuersity put betwixt this acciō & a writ
of Detinu of Chartours: for in Detina
he demaūdeth the Chartours, & there he
ought

E. 19. C. 3.

Natura

ought to shewe the certainty of the land;
for if the Chartours be burned, he shall
recover damages, after þe value of þe lād
comprised &c. But in thys accion he de-
maunderh not the Chartours, but is to
punish the defendāt for the taking away
and the pleintif hath iudgement to reco-
uer. And note this good diuersity.

¶ A writ of Disceit.

A writte of
Disceite is
suche.

R Ex viē salutem. Si A. fecerit &c. tuuc pos. B.
&c. quod sit. &c. ad rñdendum tam nobis quam
prefat. A. quat per quoddā breue nēz per finem C.
solidat ad opus nēm per breue predict. capiendos
rum nomine predicti A. hoc penitus ignorans
fraudulenter et maliciose in cancelat. nostra im-
perrauit in deceptionem cū nē ad graue damp-
num ipsius A. vt dic. Et habeas ibi nomina pleg,
et hoc breue teste. &c.

¶ And when it is Judicial it is suche.

R Ex viē salutem ex parte A. nobis est offensum
quod B. in cū &c. falso et in deceptione eiū-
dem cū nē recuperauit seiam suam verus eum
de tribus mesuagiis cum pertiñ in C. vt ius ip-
ius B. per defaultam ipsius A. cum idem A. nunq̃
fuit scdm legem terre essendi coram Iustic.
nēis apud Westm. &c. ad respondendum predicto
B. de placito predicto: nec p̃dicta mess nunq̃ capi-
ta fuerint in manum nēā ob aliquā defaultā ip-
sius A. nec idem A. iterato fuit essendi. &c. apud
Westm. ad rñdendum predicto B. tam de pre-
dicto principali p̃lito q̃ de defaulto predicto prout
mos est in regno nēo. Et ideo tibi p̃cipimus quod
dist. A. et B. p̃mos sum p̃ quos B. viē nē com-
p̃dict mand. Iustic. nēis apud W. q̃ sum predictū
A. essendi

essendi &c. apud w. &c. ad respondendum predicto B
de pito p'dicto. Et etiam par L. bñū per cur' bi-
sum & quorundā T. S. G. et J. qui mand' Justic'
nris ap'd westm: q' p'dicta tertia p'cepta sunt in
manū nostram & etiam w. bñū de sc'dis suis per
quē vñc maddamus Justic' nostris ap'd westm: q'
A. sūsi fuit essendi &c. ap'd westm: &c. ad responde-
dam p'dicto B. tā de principali pito: quā de pre-
dida defaulta, & oēs terras &c. oct. Purē ad certifi-
candū p'dictis Justic' nris simul cū predict' A. T.
S. G. et J. de suum in captione predictis & au-
diend' iudic' suum de pluē defaultis p' etiam tibi: q'
dist' predictū G. nup' vñc corā predicti & oēs fras
res, redditus &c. quod sit &c. ad p'fatuz terminū ad
certificand' simul &c. et ad aud' iudiciū suū &c. Et
tu ipse tunc sis ibi in propria plona tua ad cer-
tificandum p'fatīs Justic' nostris simul &c. Et
habeas. &c. teste &c.

This writte of Disceit, is some tymes
Original, and some times Iudiciall.
But whan it is originall, than it lieth
in case wher any disceit is made to a mā
by another by which disceite, he may be
disherited, or otherwise euill entreated,
as it appereth by the Registre than he y
is in such maner disceiued, shal haue the
said writ. And y proces is, attachement,
and distress vntyl the parte appere. And **Proces.**
whan it is iudicial, than it lieth out of y
rolles of recozde. As in case where a
scire facias is sente to the Shirife that hee
warne a man to be before the Justices
at a certayne daye, and the Shirife re-
tourne the writ serued, where the sayde

D. i.

man

Natura

man was not warned, by which disceite
the party that sueth the scire *facias*, recome
reth, thā the party which ought to haue
bene warned, shall haue the said writ a
gainst the party, which hath recouered
directed to the Shire of the same coun
ty. And also it lieth in case where a *Precipe*
quod reddat, is brought againste a man by
force of which writte he shalbe somoned
to befoze the Justices at a certaine day,
and the Shire hath retourned, y he was
somoned, where he was not somoned,
bpon which false retourne, and disceite
of the Shire, the demaundant shal reco
uer seison of the lande by the defaulte of
the defendant, than he to whom the dis
ceite was made shal haue the writ direc
ted to the Shire of the same coūty, that
he cause the partye to come, which hath
recouered. And also the somoners, to an
swere of y disceit, and falsenes, that they
haue made, as well to the kinge, as to the
party. And shalbe cōmaūded to y Shire:
y he take the lande into the kinges hāde
if the one, or the other hath the land vnto
the ple be discussed betwixt thē, & the Shi
re shall aunswere and make accōpt in
this case, of al y issues, y cōmeth of y lād
in the meane time, to the Barons of the
escheker. And know ye y if the somoners
die afoze that they be examined, y pleyne
tise

life in this accion shall neuer recover þ
land. But than he shall haue a writte of
Disceit vpon his case against the shirife
and recover against him al in damages
And know ye: that whan this writte is
sued against the shirife, the Coroner of
the county shall make execution of the
writ as the shirife shall doe, if the writte
were brought against a straunger. And
so shalbe done in all cases, where proces
is made against þ shirife in his county.
And now by þ new statutes of E. 3. an. 2
Cap. vltimo, a writte of Disceit shall be
mainteined, and shall hold place aswell
in case of garnishment which toucheth
ple of lande there where such garnish-
ment is due, as in case of somons in ple
of lande. &c.

¶ Addicion.

Know ye that if disceit be made in the M 22. E. 3.
kinges benche, Chauncery, or in the Es-
chequer, this writ shall be brought in the
places where those disceites were made
and not els where. But of disceit befoze
Iustices of triel baston, or of Oyer and
terminer, after office determined, a writ
of Disceit shalbe brought in the comon
banke, & it is conuenient for hym to haue
þ recozd, if disceit be made in any other
place. And know ye, that a writ of Dys-
ceite lyeth agaynste the attourney: yf
H. ii. he

Natura

he be absent by disceit.

M.19.D.6.

L.9.E.4.

And knowe, y a writ shall not abate for defaute of forme, if he haue good substance. And if attourney be infozmed by his maister to pleade a false ple, the whiche he may not pleade by conscience, he may haue such entre) quod nō fuit veraciter infozmatus) ideo nullum. &c. for to apde him in a writ of disceite.

L.19.E.3,

A writ of Disceit was graunted by the Justices in a writ of wast where at the graūde distresse, the pleintif had a writ to enquire of the wast, and by the inquisition the wast was found, by which the pleintife hath iugemēt to recouer, where y defēdāt was neuer somoned, attached nor distreined, & the writte mainteyned.

A man recouered in a *Precipe quod reddat*, against. iiii. of certaine lande, by default one died, these. ii. shal haue a writ of dysceit if they were not somoned, notwithstanding y the accion was gyuen to the thirde in his life: for that, y it falleth in inheritance, & it was said, that if iudgemēt be giuē agaisst two by default, where of the one was tenant, & the other hath nothing, he that was tenant shal haue a writ of Disceit; notwithstanding, that the record proueth these two to be tenants. And also it was said that the kynge shall haue the issues of the lande, after y
first

first iugement, & not the party which recovered by disceit. And also it was said, that the heire shal haue a writ of disceit of iugement tailed against his father of certaine lande, but he in the reuersion shal not haue a writ of iugement tailed against his tenant for terme of life. &c.

A writ of Rescousse.

Rex vñ salutē. Si. A. &c. tunc ponē &c. B. q̄ sit A writ of &c. apud W. &c. offen. quare cum idem A. p̄ B. Rescousse seruientē suū quendā equū ipsius B. apud A. is such infredo suo pro cons̄ a seruicē sibi debitis capi fecisset et idem B. equū illum ibi scdm legem et consuet regni nostri Anglie inparcare voluisset et predict A. equū illum vi et armis rescasset et alia enormia &c. ad graue &c. teste &c.

This writ lieth, where any lord disceiteth his tenaunt in his proper fee, for certain rentes, or seruices, or customs behinde, and the tenāt come wyth force and armes, and will not suffer the lord, nor his seruāt or him to take the distress, but to them make rescousse, than the lord shal haue the sayd writ. And also if any baylis, or minister of the king, or of any other lord, to whom special auctority is giuen to disceine, & rescusse to them bee made, they shal haue the said writ. And in þ same maner may the shirif or other bailif, which hath powerto take any m̄ by þ kiges cōmaūdemēt, if rescusse to the

Natura

Proces

be made. And a man may haue the sayde writte in many other cases, as appereth by þe Register moze plailly. And þe proces is in this writ. Attachemet and distres, and for defaute of distres thre Capias & one Crigent, as in a writ of Trespas for it is supposed that he made rescusse with force and armes against the peace.

Addicion.

**H.14.D.4.
H.44.E.3.**

Know ye that if the lord come to distreine his tenant, and se the beastes: and the tenant chase them from hym, þe lord shal not haue a writ of rescusse, for that, that he hath no possessiõ of them in dede but he may folow and take thẽ whether soeuer they be chased.

**Anno.3.
Item.
H.14.**

If a mā take beastes, damage felaūt, and in dzyuing them by the hye waye to enpound thẽ: þe beastes entre in þe house of their possessour, and he that tooke the beastes praid deliuer aunce, and the possessour wil not them deliuer: a writte of recusse lieth.

**A writ de
audiendo et
terminando
12 lych.**

A writte de Audiendo et terminando.
Rex dilecti & fidelibus suis S. et W. salutem
Sciatis quod assignauim⁹ vos iusticiarios nostros
ad inquirendū per sacrum proborum et legalium ho-
minum de com S. per quos rei veritas melius
sciri poterit. qui malefactores & pacis nostre per-
turbatores blada ꝑ ad valenc. x. li. apud N. in-
ueniunt vi et armis cepit et asport. Et alia. &c.
ad grauz. &c. et contra pacem. &c. ad transgessum illam
audiendam et terminandū scdm legem et con-
suetudinem

facti regni nostri Anglie. Et ideo vobis mandamus quod ad certum diem et locum: quos ad hoc prouideritis premissa expleat in forma predicta facta in de scdm quod ad Iusticiam pertinet in hac parte saluis nobis amerciamen et aliis ad nos inde spectantibus mandamus emi vobis nostro com predicti: quod ad certum diem et locum quos et venire facias coram vobis tot et tales probos et legales hoies de com predicto per quos rei veritas melius scire poterit et inquiri. In cuius rei testimonium has lras nostras fieri fecimus parentes. teste. &c.

This writ lieth in nature of a writ of trespass and lieth where any affray or trespass is made to any man against his peace of our saueraine lord the king, the which affray or trespass is hastily to be redressed and amended, or otherwise there shall be great hurt of peace or dispaire of the life of the same man, than he which is in such maner affrayed or trespassed, or damaged, shall haue the said writ, but he shall come to the kinge and to his counsell and shew in a bil. And if he se that it be to do, he shall graunt to the partye the said writ directed to the shirife of his same county, that he cause to come befoze the Iustices assigned to here and determine this affray, or trespass, tot et tal probos &c. these which shall, trye such affraies and trespasses. And also the Iustices assigned to here and determine these affraies or trespasses, shall haue a compulsion

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sion opē, in which shalbe cōteined what they haue to do, and what shal be theire power. And know ye that the wzit whiche shal go to the shirifes is such.

Rex viē Salutē Assignauerim? dilectos &c. R. Ret w. tibi scire facē venire facias coram eis tot & tales &c. de cū tuo: per quos &c. omnes illi q. &c. & quorum idem R. et w. tibi scire facere, si p. dictus J. fec. &c. tunc pone &c. quod fuit &c. Et habeas &c. test. &c.

Note:

And note that these wzittes, shall not be graūted, but by the king & none hath power to here and determine such affraies but the kinges Iustices, and sergeantes which be swozne to the kinge, & that is giuen in the statute of Westminster. 3. Capitulo tricesimo nono, whiche be ginneth bꝛeue de transgressionē. &c.

A wzit of de Erroze corrigendo.

A wzit of Erroze corrigendo is such

Rex Maiori et viē Lond' salutē. Quia in recordo & pꝛessu, ac etiam in reddicione iudicii loquel' que fuit in curia nostra ciuitatis pꝛedictē coram vobis pꝛesat viē sine bñi nostro inter A. & B. de quadem transgꝛ eid A. per pꝛesat B. illat viē diē erroꝝ interuenit manifestus sicut ex querela eiusdem B. accipimꝰ. Nos errorem si quis fuerit, modo debito corrigi: et partibus pꝛedict' plenam et celerem iusticiam fieri volentes, in hac parte vobis pꝛecipimus: quod recordū et pꝛocessum loquele pꝛedictē coram vobis in pleno huiusmodi nris ciuitat' pꝛedictē venire eam in pꝛesentia pꝛiū pꝛedictōꝝ p vob sup hoc si interesse voluerit pꝛimū recitari, et diligēter examinari et errorem (si quis interuenit) in hac parte debito modo

modo corrigi, et partibus positis plenā et celerem
iusticiā inde fieri facit putat d. iure & secundum cō-
suetudinē ciuitatis predictę fuerit faciendū &c. Vel
sic: vos prefatis vicē predictę exequat et securitate
coram vobis inueniendū vel faciendū ad respō-
dendū eidem de super sedatis &c.

Thys wytte lyeth in case where false
iugement is giuē in the comon banke
befoze iustices assigned for to take assis-
ses, or befoze the Maire and Shyrfes of
London, or in any other towne franchise
sed, thā he against whom the iugement
is gyuē shal haue this writ directed to þ
Iustices or others ministers befoze who
the iudgement was gyuē. And if false
iugement be giuen in London, thā shal
be made as befoze sayde in the writte of
false iugement, that they make þ record
and processe of iugement, to cōe befoze þ
Iustices of the kinges benche. And also
þ they cause to warne the party, whiche
recouered, to be afoze þ same iuges of the
kinges benche to pursue forth in his ple,
as the kinges court shal awarde. And
know ye that whan the record and pro-
cesse are comen befoze the iustices afoze
sayd, they shal correct and amende the
iugement if that right may be made to þ
parties. And know ye: that a writ may
not be maintained, but if the iugement
be of record, for if the iudgement be gy-
uen in court Baron, county, or in hun-
dredeth

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dzeth, which is not of recozde, than the party shal haue a wꝛit of Faur iugement and not a wꝛit of Errour. And if any be impleded befoze Iustices, and the party take exception befoze his aduersary whiche exception the iustices wil not allow, thā the party ought to do as is ordeined by the statute of west. 2. ca. 31. which beginneth. Cum quis implacitatus. &c. þ is to say, that the party shal wꝛite hys exception, & pray one of þ iustices to put his seale to the byl, and whan his bill is sealed he shal he go to þ Chauncery of our soueraigne loꝝd the king, and put vp the byl to the counsel. And than þ king shal make þ hole recozde to come afoze hym. And if the sayd exception be not founde in the recozd, than shalbe commaunded to the said iustice, that he be afoze þ king at a certaine day, at which day, if he coe and may not deny his seale, than shalbe commaunded to him that he goe soꝛth to the iugement, accoꝝding to the sayd exception. And know ye, that the register giueth a wꝛit of Errour, of Faur iugement giuen befoze the shirife & his coroneꝝ in county, oꝝ in a wꝛit of Post disseison, and shalbe redꝛessed in the kings benche. And in þ same maner may be in a wꝛit of Reddisseison, & the cause maye be, soꝝ that, that these wꝛittes of Reddisseison

sepsin, and Post disseisin, are of recozd, for they shalbe inrolled in the Chauncery and the trascript of the shalbe put in the Cicheker in the end of the yere. As it appereth by the statute of Westm. .2. ca. 8 in thende which beginneth. Cū par placitum motum. And know ye that a writ of false iugemēt shalbe retourned befoze the Justices of the comon banke. But a writ of errour shalbe retourned befoze the Justices of the kinges benche. And know ye that if errour be made in the eschequer, it shalbe redressed by the Chaunceler and treasurer: as it appereth by the statute of E. 3. an. 31. cap. 12.

¶ Addicion.

Affise brought against the gardein of T. 15. C. 3, a chapell of the kinges graunt. And the pleint was of land & rent, and hanging the affise, the gardeyne resigned to the king, and he gaue that to one J. S. and thaffise passed for the pleintise, and J. S. was put out & brought a writ of Errour as successeure, assigned for errour, y his predecesour was not named gardeine, and y the king was seised hanging the affise, & it was awarded: that the writte lieth for him, and the iugemēt rcuersed. The same law is of a Prebendarier. But he that purchaseth hanging the writ against his feoffour, he shall not haue a writ

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Writ of Errour for that, y^e he cometh to y^e
by his own dede, & not by course of y^e law
Pa. 34. h. 6. If a *Quare impedit*, or Trespas, be brought
agaⁿst many, and one confesse that ac-
cion, or pleade so that he is attainted, he
shal not haue a writ of Errour, vnto the
matter be determined agaiⁿst these other
for y^e reco^rd may not be remoued befo^re
that al the matter be determined, & after
that, he y^e confesse the accion maye haue
a writ of Errour.

If a writ of dette be brought agaiⁿst
two by one ioint *Precipe*, and y^e proces is
by seuerall *Precepies*, that is Errour.

If the tenat in especial taile hath issue
a doughter, and lose by erroneous p^roces
and after hath issue a sonne by another
woman, the daughter shal haue a writ
of Errour, and not the sonne. For that,
that she is heire to the speciall taile, and
the sonne is heyre at the comon law.

If erroneous iugemēt be giuen in the
kings benche, the same terme it may be
redressed by writ of Errour in the same
banke and the rolle shal be amended: for
that, that al times the same terme the re-
co^rd is in the Iustices, and the rolle is
but their rememb^raunce.

If a recovery be tyled agaiⁿst the te-
nant in taile, or for terme of life he in the
reuercyon shal haue a w^rytte of Er-
rou^r

Pa. 34. h. 6.

Pa. 7. h. 6.

Pa. 7. h. 6.

h. 21. h. 6.

rouer, and reuerse that by the comō law
so that þ̄ statute is not but in affirmāce
of the comon law. The statute is An. 9.
Richardi secundi. capit. 3.

And know ye that there is a diuersity **Ba. 4. D. 6.**
betwixt a writ of error and a writte of
faur iugement: for that, that faur iuge-
ment is not of recoꝝde, vnto such time þ̄
it be hard. And if the writ by which it is
remoued be abated, it is come with oute
warrant. Than it shall continue befoꝝe
the suitours, for it is as no writ. But o-
therwise is in a writ of Errour, for that
was a recoꝝd befoꝝe. And a recoꝝde may
bee brought in the Kynges benche by a
iudge of the comon place without writ.
But these suitours may not wythoute
writte.

And a writ of Errour lieth all tymes **W. 18. C. 1.**
against him, that is party or pꝛeuꝝ, not
withstanding that he be not tenant: for
that, that the error ought to be tried bi
the recoꝝd. But in false iugemēt þ̄ wyꝝt
shalbe al tymes against the tenant of the
land notwithstanding that he be a strā-
ger to the iugement: for that, that these
errors shalbe tried by auerment, & not
by the recoꝝd: for that, that it is not a re-
coꝝd, which auerment none shall haue,
but the tenant of the lande.

¶ A writ de Conspiracione.

¶ Ker

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**Writ de
conspiratione
et facti**

Rex vobis salutem. Si A. fecerit &c. tunc pone &c. A.
E. ostendit quare in conspiratione inter eos apud
R. prehabita ipsum A. de quibusdam latrociniis &
aliis transgressionibus per ipsum contra pacem nostram
apud W. in com. S. indictarent ipsum A. occasione
predicta apud S. caput et in prisona nostra detentus
quousque in curia nostra coram dilectis & fidelibus
nostris R. et W. Iusticiis nostris ad goalam nostram
apud S. deliberandum, assignatus de secundum legem
et consuetudinem regni nostri Anglie acquietatus fuisse
falsis & maliciose procurauerunt ad graue damp-
num ipsius A. et contra formam promissionis in
hmoi casu promissae. Et habeas &c. teste &c.

This writte lieth in case where many
men are confedered together by othe,
covenant, or by other comunicacyon,
that euery one shall helpe other, for to
destroy, indite, kill, or cause to appeal any
man, than he (that is in such maner ap-
peled or indited) by such conspiratours
and be acquite by the country, he maye
haue the saide writte against the saide
conspiratours, as it appereth by the sta-
tute De conspiratoribus made in the
time of kinge Ed. sonne of kinge H. An.
34. And that the Iustices assignned, to
here and determine ple of Trespas or of
Felony hath power to enquire of suche
conspiratours. And the Proces is At-
tachement and Distres vntil they come.
And that a writt of conspyracie lyeth
not against these endytours. As it ap-
pereth by the statute of Westminister. 2.

Cap. 12.

Proces.

Cap. 12. which beginneth. Quia multi
 p malicia. &c. will y a man shal not haue
 a writ of conspiracy of no appeale whi-
 che shal be determined befoze Justices,
 which are of record, for it shal be equired
 of thabettours befoze themselfe. And if
 any be founde abettour, he shal haue a
 writ Judiciall against these abettours
 the which is giuen in place of a conspi-
 racte. And also a mā may haue a writ of
 Conspiracy where he is indited within
 a citie Borough or other towne of anye
 acire or tceede made win y place where
 they haue coroners within their fraun-
 chise, whā he shal be acquitted afoze the
 Maire and the bayliffes of the towne, &
 that shalbe sufficient to record the dely-
 uerance, if he be another time peached
 of the same felony in the kynges court.
 And that euery such inditement of the
 act made within the towne, the Maire &
 the bayliffes may deliuer hym from the
 gaole. And also where felonye is mein-
 prised within the same citie or broughe,
 but if a felon be endited out of the fraun-
 chise, and after is taken within the frā-
 chise, the Maire & the bailiffes maye not
 haue the conusāce without licence of the
 kynges iustices which are assygned by
 writ to deliuer the gaole of the same cou-
 ntye, but to them selfe they may not. &c.

And

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And the iustices assigned to here and determine ple of trespass, & of felonye hath power to enquire of such conspiratours and the Proces is vt supra.

Addicion.

20. H. 6.

If a man conspire to endite another & after the conspiratour is swozne in the quest to present for the king, and he doth informe his felowes, that the said J. hath made such a felony, and afoze that the verdit be giuen, he is put oute of the panell, a writ of conspiracy lieth against hym, but if he had bene discharged after verdit, he had bene discharged of the conspiracy, for that, that the law intendeth that all that was made afoze was lawfully made, for that, that it is executed by his other.

22. C. 7.
1. 1. 1.

A. and B. by false conspiracie bewt them made, procured certaine people to indite C. of the death of one D. by force of which he was indited and arraigned of the death of D. and he knowledged & iustified, by force of which he went quit by iugemēt, in this case C. shal not haue a writ of Conspiracie, for that, that D. knowledged the felony & of that was acquitted by force of the law as of a thyng which was not felony by the lawe, and it was not to A. & B. to knowledge whether it was felony or no.

If one procure dyuers people to endite an. 27. C. 3. me, and after he that procured hath a cōmission, and afoze hym I am endyted: I shall haue a writ of Conspiracy agaynst hym, & his cōmission shal not excuse him of the wrong made befoze, and so it is if a mā be swozne for to enfourme thenquest, this other shal not excuse hym.

A writ de Compoto.

Rex dicit salutē. Precipe A. q. iuste. &c. reddat B. rationabile compotum suum de tempore quo fuit balliuis suus in C. & receptor denariorum ipsius B. ut dicit. Et nisi fecerit & predictus B. fecerit se securus: &c. tunc summas &c. predictum B. quod sit &c. ostensurum quare non fecerit. &c. Et habeat &c. teste &c.

A writ de compoto is such.

This writte of account lyeth in case where any baylife, Chaumberlayne, or receiuer, which ought to yelde his account, will not account yelde, than he to whom that coumpt ought to be gitiē shal haue the sayd writte. And the proces is Somons & distresse, and for default of distresse. 3. Capias, & an Exigent whiche shalbe proclaimed in fyue counties. And know ye that by the statute of Westm. 2. Cap. 11. which begynneth, De seruientibus balliuis, that the baylife rendre account, and if he be found in arrerages, these Auditours which are to hym assygned hath power to commit hym or deliuer hym to h next gale, & there to abyde

vnder good keepyng vntil he make gr̃e,
 but if he be sued, and in the sute outlawed
 wherby he is taken and put in pryson in
 the gaole, than he is repleuisable. And let
 the thyrpse, Waplyse, or Gardeyn of the
 gaole, take good heede y he be not lette to
 maynpyse without wytte especially to
 hym directed vpon the sayd matter, or w
 out the kynges lycence, y if he do, he shall
 yelde to the lordes hys damages, and that
 will the statute afoze sayd, and knowe ye
 that executors of executors shal haue
 an accion of det, of account of goddes ta
 ken of the fyrst testatour in the same ma
 ner as he shoulde haue if he were in full
 lyfe. And knowe ye, that the same execu
 tors shall aunswere of so much as they
 haue recovered of the goddes of the fyrste
 testatour, as the fyrst executors if they
 were on lyue. And that will the statute
 of Ed. 3. An. 15. De prouisoribus victua
 lium. Capi. 5. And knowe ye that the sta
 tute of West. 2. Ca. 23. executors shall
 haue a writ of account, and the same ac
 cion & proces as the testatour sholde haue
 had if he were on lyue. And also by the
 statute of Edward the thyrde. Anno. 4.
 Capi. 8. executors shall haue an accion
 of Trespas made to theyr testatoure, of
 goddes and cattels of the testatour taken
 awaye in the lyfe of the testatour, for to
 reco

reconer damages against the trespassour
 in the same maner, as theyse to whome
 they are executors shoulde haue if they
 were on lyue. And also by the statute of
 Parl. Capit. 17. whiche begynneth. *Pro-*
nissum est etiam &c. if the Gardeyn in so-
 cage make waste, the heyre when he cum-
 meth to hys full age shall haue a wyrt of
 accoumpt against the Gardeyne, in thys
 maner. *Si A. fecerit &c. tunc sum &c. B.*
quod sit &c. offen. quare cum de comuni
cōsilio regni nostri Anglie prouissum sit:
q̄ custod. terrarum & tenementozū que te-
nētur in socagio hered. terrarū tenemēt.
cū ad plenā etatē perueniūt reddāt ratio-
nabile compotū suū de exitibus terrarū &
tenementozū prouenient de tempore quo
custodiam illam habuerunt ratione mi-
noz is etatis hered. predictozū idē B. pro-
fat. A. rationale cōpotū suū de exitibus
prouenient de tris & tenement ipsius A.
in p. que tenentur in socagio, & quozum
custod. idem B. habuit dum p̄fat A. in-
fra etatē fuit reddere contradic. ut dic &c.
teste &c. And know ye that if the pleē be in
 county by a wyrt of accoumpt, the party
 pleyntif may remoue the pleē into h̄ com-
 mō banke by h̄ Pone, as in a repleuyn. And
 also it may be remoned at the suit of h̄ de-
 fendan, but not without good cause, & yt
 is to knowe, that in the Eschecker at the

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suit of the Citizens of London, it was awarded that there where a man impleadeth another by writ of Account, or by pleynt after the vsage, and Auditours be assigned by the court, the party shall not haue a writ of *Ex parte talis*, but there where the lord assigneth Auditours, then the party shall haue a writ of *Ex parte talis*.

Addicion.

29.9.6

¶ The writ was brought agaynst a woman, & it was chalenged for that, y there is no such fourme in the Chauncery, and notwithstanding it was awarded good.

2.44.3

¶ The writ was tempoze, quo fuit balliuus in C. & the writ was chalenged for y that ther is C. C. and one without addicion, and the writ awarded good.

2.31.3

¶ The writ was tempoze quo fuit balliuus sui predecessoris, & was chalēged for that, y at the comon law he had no accion & the statute helpes hym not, but the defendant durst not demurre in law.

29.22.3

¶ In a writ of Account agaynst a gardayne in socage it was not shewed by the writte, ne by the declaracion y he is nexte frend, for the which writ was chalenged and not allowed.

2.1.6

¶ In account of. r. li. by the handes of A. B. the defendant said y he made a dede to the playntife, & to the same A. B. whiche testifeth the receit, iudgement without

out shewing the dede, this is a good plee
in discharge of accompt, & not in barre.

In accompt of the receite of C. li. the
defendant sayd that accozd was taken be- An. 22. B. 7
Quere.
twixt the playntife and the defendant by
theyr frendes that the defendaunt in full
satisfaccion, shall make to the playntife
an obligacion of the sayd. C. li. for al det-
tes, detenues, and encreacements, that
the sayd pleyntife may encrease by reaso-
of the receipte &c. And that was holden a
good barre.

It is a good plee for the defendaunte to B. 4. E. 3.
say that he hath accounted afore h^e pleynt-
tise self at such a place.

In account against one as receiuer, B. 5. B. 5
the defendant sayd that the playntife de-
liuered the money to hym, & that he shold
go to a Lumberd for to make erchaunge
& to receiue letters of erchange by force,
of whiche he receyued the letters, & these
deliuered to the playntise without that
he was his receyuour in anye other ma-
ner, this was holden a good barre.

These plees folowing, be in
discharge of accompt.

In accompt the defendant sayd, that B. 9. E. 4
after the receit at B. the money was rob-
bed fro hym by certayne felons, and that
is a good plee in discharge of accompt.

In account the defendaunt shall say, & B. 12. B. 4.

I. iii.

after

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after the receipt that the playntife granted to hym, that he may receiue the sayde money in y name of payment of another sume, which he ought to the defendand.

H.4.C.3

In a wryt of Account, it was supposed that the defendand hath receyued. **C.C.** **Pi.** the defendand said as to **C.Pi.** you your self receiued the sayde **C.Pi.** by a dede that here is which testifyeth thesame recepte, and that was holden no barre, but also: auditours the plee shalbe allowed.

H.12.H.6

If auditours be assygned, & the parties be at issue afore them, the Auditours shal bryng the recozd to the Iustices of the comon place, and recozd all that, that was made afore them.

H.22.C.3

If a man account afoze the playntif self he may not award him to prisō, for he may not be hys owne iudge, by which he shalbe awarded to account of new.

H.17.H.6

If a man be found in arrerages vpon his accōpt, and the auditours suffer hym to go at large, at another tyme after they may not award hym to prisō.

H.11.H.4

P.14.C.3

If two executors bee, and the one receyue money due to the testatour hys co executor shall not haue an accion of account agaynst hym for that money. The same law is of two marchauntes whiche hath goodes in common.

P.45.C.3

But if two haue a warde in comon & the

the one take al the pzoofites, the other shal
haue a wzitte of accompte, and recouer
the halfe.

¶ Know ye y a wzit of accōpt lieth not a-
gainst an infant, for he hath no discretio. M. 9. B. 6

¶ A wzit de Cr parte talis.

R Ex vic. Thel. et baron suis de scacario salutē. A wzit de ex parte talis is such.
Ex parte w. capt & detenti in gaola nostra de
A pro art compoti sui, quibus J. de C. ipsum alle-
rit sibi tenet de tempore quo fuit bailiuis eius in
E. nobis est ostens quod cum auditores compoti
predicti ipsi w. super eodem compoto iniuste
grauauer ostend ipsum de receptis, que non re-
cepit expens aut liberationes rationabiles, et quia
prefato w. iniurari nolumus, in hac parte vobis
mandamus quatenus manu suffic prefato w. ca-
piat in forma predicta, et ipsum a prisona predicta
de liberari fac prout iure & secundum formam sta-
tuti fuit faciend mand tamen custodi prison pre-
dicta, quod ad certum diem & locum quos ei scire
fac venire faciat predictum w. cū rotul & tal, per
quos compotum suum predicto A. reddidit ad fa-
ciend inde & recipiend in premis, q de iure & se-
cundū formā statuti predicti iustitia sua debet. Et
q predictum w. a gaola predicta prout Scire in-
terim deliberari fac: teste &c.

¶ A wzit of Det.

R Ex vic. salutem. Precipe A q &c reddat B. r. A wzit of det is such.
libras quas ei debet & iniuste detinet. vt dic.
Et nisi fecerit te secū de &c, tunc sum &c. predictū
A. q sit &c. ostens quare non fecerit te. habeas ibi
sum & hoc breue teste &c.

T Hys wzytte lyeth in case where a-
ny sūme of mony is due to a mā by
reason of any loue, oz of any other

A. iiii,

con.

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Proces

contract to be payde at a certayne day, or
if any be bound to any other to pay a cer-
tein summe of money, at a certayn day,
at which day he payeth not, nor will not
pay, than he to whom the det is due, shall
haue the said writ. And the proces in this
writ is Somons, Attachement, & dyffres
and for default of dyffres. 3. Capias & an
Exigēt proclaymed in five counties. And
know ye that if a writ of Dette, Trespas
or Accompte be broughte agaynst an
Archbyshop, Earle, or Baron, that are
lordes of the parliament, no proces of be-
lawyry lyeth agaynst them, but all tymes
dyffresse. And the cause is for y, that it is
supposed y they haue sufficient, whereof
they may be dyffreyned. And knowe ye, y
a writ of Dette may be pleaded in coun-
ty, if the Det amouēt not to. xl. s. As it ap-
pereth by y statute of Gloc. Ca. 8, which
begynneth. *Purueu est ensemēt que hic.*
pled &c. And if the det be of. xl. s. or more,
than it shalbe pleaded in the cōmon bank
afoze the Iustices by writ. And know ye
that if a contracte or couenaunt be made
to executours of a det by reason of goddes
solde, which were to the testatour to pay
at a certayne day, which day is past, and
he bying a writ of Dette, the wyrt shall
say *Quos ei iniuste detinet: vt dic. & not*
debet, & the cause is for that, that the de-
bet

bet: supposeth property to the executors
and the executors maye not haue proper-
tie of thynges which wer.

¶ Addicion.

¶ Know ye, that sometymes a man shall **I. 3. R. 2.**
be charged of a contract made by his wife
baylis, seruant, or other such persons, as
of my baylis bye thepe or other such thing
to my vse. I shall answer for that det, & the
pleyntife shall not shew in his declarati-
on that the baylyse hath warraunt to bye
for me, but for that, that they come to my
vse, I shall be charged.

¶ But after Newton, if my seruant or **D. 20. B. 6**
wyfe bye certayne thynges, though they
come to my vse afterward. I shall not be
charged, but if he bye to my vse, & soyne
the bying to my vse at the tyme of the con-
tracte made, than I shall be charged if it
come to my vse. Quere of this diuersitie.

¶ But if a wyfe bye in open market, the
husband shall not be charged for that, if **Quere. I. 14**
it come not to the vse of the husbände, for **D. 7.**
it may be that it shall be charge to the hus-
band, and the husband shall not be char-
ged of a contract made by h wyfe in such
maner, but if I comaund my wyfe to bye
thinges necessary &c. I shall be bounde by
that comaundement, but if my wyfe bye
thynges to kepe my housholde, as bread:
and I haue no knowledge of h, though
it be

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it be spēt in my house, I shal not be charged for the. By Finch chief Justice.

124. C. 3

In dette the playntife declareth bypon a contract, that is to saye, if the playntife take the daughter of the defendant to his wyfe, that the defendant shall geue to him xx. li. and the playntife sayd that he tooke to wyfe the daughter of the defendant &c. Finch. he demaundeth his det because of a contract which toucheth matrimonye, iudgement if the court will hold plee, and not allowe. &c.

128. C. 3

Det agaynst two by one *Precipe* bypon an obligation, by which these two wer bound ioyntlye, and euery one seuerallye in the whole, and the one come by the *Capias*, and the other made default, & the playntif declared agaynst him y came. And Finch. Justice sayd that the playntife bypon this obligation, might haue demaunded this dette agaynst them ioyntly or seuerallye at his election, and by the maner that he hath now taken his writte, the one shall not answer without the other, for which cause he that cometh shal haue *Adem dies* by maynpyse.

138. C. 3

In a writ of Det, the playntife declared that the defendaunt boughte of hym certayne beastes and other thinges to the value &c. And the defendant sayd that the playntife had nought in the thinges sold,
but

but as exrecutour to one J. the whiche J. made the plaintife and one W. as exrecutours, y^e which W. is not named in thys w^{rit}, iudgement of the w^{rit}, & for that, y^e the playntife hath declared of a contract made betwixt thē, so that y^e defendant is become dettour to the playntife the w^{rit} was awarded good.

Know ye that it is sayde in a w^{ritte} of **W. 49. E. 4** wast &c: that if a woman beyng bound in an obligacion take a husbände, the husband shalbe charged of the dette duryng the lyfe of his wyfe, and after her death he shalbe discharged: except the iudgement be geuē against him in y^e lyfe of his wife. **E. 12. B. 2**

Note ye that it is said if a man be bound to a woman sole, and the wyfe take a husband, & the day comp^{ysed} within the obligacion passeth duryng the marriage, yf the husbände dye withoute releasyng or acquiting the obligo^r, the wife shal haue an accion of Det vpon that obligaciō after the death of the husband. Quere if the exrecutours obtayn the obligacion, if they Quere. shall haue the sayd obligacion.

A w^{rit} de Cattallis reddendis.

R Ex bñ salutem. Precipe A. quod &c. reddat B. catalla ad valen^t. x. li. que ei iniuste detinet & ut dicit & nisi fecerit, & predictus B. fecerit te secus de clark suo p^{ro}c tunc sum &c.

A w^{rit} de cattallis reddendis
dis is such.

This

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Proces.

THys wryt lyeth, where any goodes are
 deliuered to anye man to kepe vnto a
 certayne day, at which day he cummeth
 and demaundeth hys goodes, and the o-
 ther withholdeth them, than he shal haue
 thys wrytte. And the Proces is as in a
 wryt of accounte. And that is geuen by
 new statutes of E.3. An.25. de pzonisoz.
 victualium. Ca.17. that is to say, somons
 attachement, & distres, proces of vtilawry
 and these Proces is geuen in detinue of
 goodes, as in a wrytte of Account vt patet
 sup^a. And it is to know that in a wryt of
 Detinue there shalbe sayde, *que ei debet*.
 As in a wryt of Dette, if exrecutours aske
 of exrecutours goodes oz dettes, the wrytte
 shalbe al times *Que iniuste detinet*. And afoze
 the Justices of the banke, *Quos ei debet & ini-*
uste detinet, excepte it be of goodes, than the
 wrytte shalbe, *Que iniuste detinet tantum*. And
 if the dette be demaunded afoze the Jus-
 tices in Cyze, the wrytte shalbe *Quos ei*
debet tantum. And if it be of goodes, *Que*
iniuste detinet tantum. And if the plee be
 of dette oz detinue amouñting to the sūme
 of .xl.s. oz aboue, and is pleaded in couñty
 oz court Baron without wryt, the party
 shal not haue a wryt of false iudgemēt, ne
 a wryt of *Executione iudicii*, except to the cour-
 tes of Cities oz in other places that hath
 iurisdiccyon by custome. And also if the
 plee

plee of dette be moued in county, that a
 mounteth to the summe of. xl. s. or moze,
 the party defendant may haue a *superfediās*
 directed to the shirife that he cease in the
 plæ. And note ye: that a man may haue a
 w^{rit} of *Pone, Recordare* in these w^{rit}tes as in
 a w^{rit} of accoumpt. And also a man may
 haue a *superfediās* directed to the baylyfes
 of any court, if they holde plee of Dette
 or of goodes that amounteth to. xl. s. or a
 boue. And also in many other cases tou
 chynge Dette or goodes, as it appeareth
 by the Regyster. And note ye, that cer
 tayne Procces is geuen agaynst e^{xe}cuc
 tours: & delayes put out in such plæes by
 the statute of E. 3. An. 9. Ca. 3. If a man
 die intestate, & the ordinary make deputy
 the most next frend of the dead for to mi
 nister his goodes, these deputies shal haue
 an accion to demaunde dettes due to the
 ded person, as e^{xe}cucours shal, & answer
 in the kynges court to other, to whom the
 sayd ded person was bound in obligaciō
 in like maner as e^{xe}cucours shal answer
 & are accountable to thordinaries as e^{xe}
 cutours are. An. 31. E. 3. Ca. 11. And also
 by Westm. 2. Cap. 16. which begynneth.
 Cum post mortē &c. the ordinary shal an
 swere of the dette in which the dead was
 bounden as farre as the goodes suffyseth
 in lyke maner as e^{xe}cucours should of &
 dead

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dead had made hys executores. And in case y the ordinary make hys executors and dye afore that these dettes which the dead ought be payed, than these to whom the sayd det was due, shall haue a wytte of Detinue agaynst the executors of the ordinary. An. 11. C. 3. and in An. 15. C. 3. one Roberte Pykeryng broughte such a gaynst hys executors of the ordinary. Note of what by alimentes and possessions of goodes, a man shalbe charged.

Addicion.

Nota.

Ep. 9. B. 6.

¶ If I make a wytyng sealed, and that deliuered to J. S. vpon certayn condicions to be perfourmed, & than to deliuer to K. P. and K. P. obteyn the dede, y condicions not perfourmed, I shall haue a wytt of Detinue agaynst J. S.

Ep. 9. B. 7.

¶ If my father deliuered to K. a dede of feoffement to deliuer to hym and to hys heyres, & one J. obtein the dede. I shal not haue accion agaynst J. if I haue not the land, for if a straunger haue the land, the dede belongeth not to me, for it belongeth to the executors.

Ep. 6. C. 4

¶ But if I be enfeofed by deede with a warrant, and after I enfeoffe another in fee, and bynd me and myne heyre to warrant & dye, if any haue the dede by which I am enfeofed, my heyre shall haue a wytte of Detinue, and so if my father be
diffis

disseised and dye, I shall haue a wyttte of Detinue though y I haue not the lande. And of Chartours taken out of my possession, my executors shall not haue accion of Detinue.

¶ A dede or any other thyng deliuered to T. 1. H. 4. a monke vpon condicion to redeliuer, a mā shall not haue an accion agaynst the abbot & his monke, for the monke maye not charge the abbot agaynst hys wyll, but of a deliuey made to a monke to deliuer ouer to the abbot vpon a condicion &c. yf the abbot perfourme that, than he shall haue the thing for euer, now the abbote shall be charged alone, withoute namyng the monke with hym.

¶ The same law is of a deliuey made to H. 38. C. 3. the housband and to the wyfe, the wyttte shall be brought agaynst y husband alone otherwyse the wytt shall abate.

¶ But yf a woman come to a thyng as T. 39. C. 3. executrix, whiche woman taketh a housband, now the accion may be brought against the husband and the wyfe ioyntly.

¶ And if the wife haue coexecutor with T. 41. C. 3. her, it is no plee for her and her husbände to say y her first husband made his executors, we the said husband and wife, and one I. which is in full lyfe not named &c. for the possession chargeth hym.

¶ Note ye, that a man shall haue a wyttte T. 43. C. 3. of

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of Detinue agaynst the husband and hys wyfe of a deliuere made to the wyfe whā she was sole afoze the marriage.

Pa. 9. h. 6

In Detinue of Chartours, the tenant may pleade a deliuere in another couētie, and the reason is, for that, that he maye not wage his law.

Pa. 8. C. 4

A man may not wage his lawe in Detinue of Chartours.

P. 6. C. 4

But in Detinue of twenty quarters of wheate, he may wage hys lawe.

P. 3. & Pa. 7.

P. 6.

And if two wryttes be brought by dyuers pleyntifes agaynst the defendand of any thing, he may pray that they may interpleade: as if two bypnyng seuerall wryttes of Detinue agaynst one of one obligation, & enery one declare a seuerall deliuery made by thē, in this case they shall interpleade notwithstanding the declaring of seuerall deliveries, for that, y it is not trauersable, but cōveiance to y acciō.

Pa. 14. h. 6

If two wryttes be brought against one man of one thyng, and the one playntife declare of one deliuery in the countie of S. and the other declare of a delyuere in the countye of M. In thys case they shall not interpleade, for it may not be indented one deliuere of one thyng, and the defendant shall answer to both y playntifes.

L. 18. C. 3

But if the defendand cōfesse the acciō of one of these playntifes, the other shall haue

hate his remedy by his action, and they shall not interpleade.

¶ And if the parties be awarded to enterpleade, he that hath the wryte of elder date ought to declare first. D. 3. B. 4. E.

¶ Note that when the defendaunte in a wryt of Detinue praieth garnishment he is out of the court maintenaunt for to plede any ple, but hath day in court to deliver that, that the pleintif demaundeth to hym to whome the court awarded. D. 12. B. 4.

¶ If I and another deliuer a thinge to kepe and to redeliuer to vs, or to the one of vs, in an action brought bi one of vs, it was sayde that þ deliuerie was in manner boide, for it is in no certeyne to whō it shalbe deliuered, but admytte that the action was brought by the one of vs. D. 12. B. 4.

¶ Quer. If the garnyshe shal haue the ple in abatement of the writ for to shew the matter in so muche that the defendaunte hath admytted the wrytte good. And the oppnyon was that the wryt broughte by the one shal abate. Quere.

¶ A wryt de Catallis nomine districtionis.

This writte de Catallis nomine districtionis I writte De capis reddendum may not be maynteyned in no place but wythin a borough, or wythin a house for rente gone out of the same house wher a man

B. 1.

may

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may take the dozes, windowes oꝝ gates.

A wꝛyt de Cartis reddendis.

A wꝛitte De
Cartis reddē-
dis is suche.

Rex vic. salutem. Precipe A. q̄ ꝛc. reddat B. quandam cistam cum cartis scriptis et aliis monumentis ac diuersis cartis et bonis in eadem cista contentis sub scruta ipsius B. clausam q̄ ꝛc. **R**ex vic salutē. Precipimus tibi q̄ A. iusticies q̄ iussit ꝛc. redd B. quandam cartā vel duas cartas, vel tres, vel quodcū scriptum oblig. vel q̄ dam scriptū conuentionale, quam vel quae ei inius- se detinet. v: d. i. sicut rationabiliter monstrare poterit, quod ei reddere debeat. Ne amplius inde clamandū pro defectu iusticie tesc.

This wꝛyt lyeth in case wher any wꝛit-
tinges oꝝ Chartours of feoffemēt are
deliuered to any man to keepe. and he to
whom the wꝛitinges wer deliuered, wil
not them redeliuer, when the other these
demaundeth, shall haue thys wꝛyt. And
know ye that it is conuenient for him to
shewe the certeintye of thys Chartours
demaunded, oꝝ otherwyle this wꝛit shal
not be mainteined. And the proces is so-
mons, attachment, and distres vnto the
partye come. And no proces of vtlawye
lyeth in this wꝛytte, for that, that it tou-
cheth feehold. And in plee that toucheth
feehold, no proces of vtlawye is gyuen,
but by the new statutes of Ed. the thirde.
Cap. 23. Proces of vtlawye is gyuen in
a wꝛyt of Dette: Detinue of goodes, as
in a wꝛit of accompt.

A wꝛyt of Audita querela.

Sex

Rex Iusticiis suis de banco salutem. Ex graui & A. iurit de A. A. Relat. J. accipimus qd cum idem J. nuper coram dita querela J. de W. tunc maiore viri W. et A. de S. tunc clerici is such. rito &c. recognouisset se debere B. C. li. ad certos terminos in dicta recognitione contenti soluendum ac idem A. post modum per quandam indenturam inter ipsos A. et J. concessit: qd si predictus J. soluerit predicto A. singulis annis ad. iiii. anni terminos per equales portiones quendam redditus. s. exeunt de terris et tenementis predicti J. aut B. fratris eiusdem J. in villa de A. et in suburbio de A. ad totam vitam ipsius A. qd tunc predicta recognitio C. li. penitus cassetur, & pro nullo haberetur put per alteram partem indenture predictae per dictum A. sigillatam quam idem A. penes se haberet drasserit, plenius poterit apparere. Et licet predictus J. dictum redditum. xl. s. prefat. A. singulis annis ad terminos predictos equis portionibus a tempore recognitionis predictae confectis usque ad festum Pasche An. li. bñ et fideliter soluerit. & eundem redditum eidem A. semper actenus a festo predicti bñque ad eorundem terminos soluere paratus fuerit & adhuc existat, prout vicibus & modis quibilibet conuenit paratus est soluere eidem A. executionem dictarum C. li. de terris et tenementis ipsius J. per textum recogniti predictae psequitur minus iuste in ipsius J. non modicum grauamē. Et contra vim et effectum indenture predictae. Et quia eundem J. iniuriari nolumus in hac parte vobis mandamus qd visa altera parte indenture predictae et vocatis coram vobis partibus predictis auditis que hinc inde earum rationibus viterius in hac parte fieri faciatis, quod de iure et secundum consuetudinem regni nostri Anglie fuerit faciendum teste. &c.

T Hys wytte lyeth in case, where a man is holden to another, in a certayne somme of money, by statute

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marchaunt, to pay at a certayne daye: or
 otherwyle, that he shal forsaite the penal-
 ty of the statute marchaunt, w^{ch} in whych
 day, the creāsour releaseth to the dettour
 the same sōme, or otherwise bi couenant
 of endenture betwixt thē made, that is to
 say, that the dettour shal pay to the creā-
 sour a lesse sōme of money euery yere by
 litle parcels vnto the same sōme be fully
 contented & payed, and if he doe, than the
 other shal not sue the statute, then notwth
 standing the release or indenture, y^e creā-
 sour sueth to the Mayre and bayliffes for
 execucion of the statute, that is to save y^e
 the dettour be taken, and put in prysōn
 vnto the der be payed, then he to whō the
 release or indenture was made, or hys
 next friend, shall come to the Chaūceler
 and shewe the release to him, than thys
 w^{ryt} shalbe graūted & directed to one of
 the Iustices of the comon banke, & after
 that he shal haue somōs out of the comō
 banke to the shirife in what county so e-
 uer that the creāsour is in, to cause him
 to come at a certayn day, at whych daye
 if he come not, then he shalbe distreyned,
 and if he come not at the distres retourn-
 ned, the other shalbe restored to his land.

Addicion.

P.3. C.3

¶ One was taken by a *capias* vpon a cer-
 tificat of a statute marchaunt, & shewed
 for

for acquittance, of the pleintif, & prayed
that he myghte be demaunded, and so he
was, and appeared not, wherefore the
defendaunt prayed that it be recorde, &
to hym it was denyed, for that: that he
hath no dai in court, wherefore he prayed
a *Venire facias*, or a *Scire facias*, agaynst the
pleintife to answer to the deede, and to
hym it was denyed, and it was awarded
that he shall sue *Audita querela*, or elles he
shall be without remedy.

The writ of *Audita querela* reherseth how
the recognise hath released al accions bi
his deede, and also that he hath released
by endenture vpon certeine condicions
the which was fulfilled, and the writte
was chalēged for that, that it reherseth
these. ii. titles, where one extinguissheth
the whole, wherefore the court awarded
that y pleintif shall holde him to the one,
and so he held hym to the release.

Note that it behoueth all tymes that
the *Audita querela* make mencion of the re-
lease, acquittance or defendance, for o-
therwysse the pleyntyfe shall not haue a
Supersedias.

Knowe ye, that if one *Audita querela* be
chalēged, for that, that it dothe not ac-
cord to the statute, and the recognisour
putteth afoze another writ of *Audita ques*
rela, and prayeth that the defendant may

℞.iii.

and

℞.44. C.3.

℞.28. C.3.

℞.25. C.3.

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answer to his dede, in this case if the defendant wyl not answer (now when he hath day in court to answer) to this .ii. writtes then a *Venire facias* vpon the twoo writtes shalbe awarded, & a *Superfeday* to the shirif, and that is a disauantage of the defēdant that h first wryt is abated.

A wrytte of *Si recognoscat*.

A wryt of Si recognoscat is such. *R*ex hie salutem. Dicit tibi qd si A. recognoscat se debere B. xl. s. sine ulteriori dilatione: tunc ipsum distringas ad predictum debitum eidem B. sine dilatione reddere teste &c.

This wryt lyeth where any mā oweth to another a certayne det., and the detour knowledgeth afoze the shiriffe in his county that he is dettour to such one then he to whom he is dettour after the recognisaunce made shal haue the sayde wryt. And by this wryt he shalbe distreined vnto he hath made gree to the party for the det. And note that this wryt lieth not, but of money nombred.

A wryt de *Executione facienda*.

A writ de Executione facienda is such. *R*ex hie salutem. Monstrauit nobis B. qd cum ipse nuper implacitasset in com. tuo p. hie nūc A. de debito C. s. et eidem A. in pleno com. illo recognouit se debere prefato B. eandem pecuniā ad certum terminū reddendū, tūc termino illo elapso & eandem pecuniā eidem B. nondū soluit illā ad querimoniam suā scdm recognitionem predictā hucusque hēre non fecit in ipsius B. dāpnā nō modicū & grauamē. Et qd idē A. prout iustum fuerit subuenire volum⁹ in hac pte tibi pte, qd si ita est pecuniam

pecunia illa de bonis et catallis ipsius A. in bal-
linatua lenat & illa cum B. here fac line dilat, ne
clam ad nos inde pueniat iteratus: resse. ec.

This wryt lyeth where a man impleas-
deth another in country befoze the shi-
rife, & he that is þe dettour maketh there
a recognisaunce befoze the shirife to pay
to the pleintife the same somme at a cer-
tayne day, the which day is past and the
somme not payed, no; the recognise wyl
not pay the sayd somme to the pleyntyf,
then the pleintif shal haue the said wryt
that is called *de Executione facienda*, *de recogn.*
fatta in com. directed to the shirife, comaū-
ding him that he make execucion of the
same knowledge.

A wryt de Secta molendini.

Re biē salutē. Preē A. q. iuste et line delatio-
ne fac sectā ad molendinū B. de C. quam ad
illud facere debet et solet ut dic. t. Et nisi predic-
tus B. fecerit ec. tunc lusi ec. q. sit ec. ostent. quae
non fecerit. Et habeas ec. teste. ec.

A wryt de sec-
ta molendini
is such.

This wryt de Secta molendini (being in the
debet & solet) is a wryt of right, and it
lyeth betwixt fraunge persons for such
suyte wythdrawen. And yf the lord
aske suite of hys tenant, he may distrein
and auowe the dyssres to be resonable.
And that was vsed in the time of .i. son
of king H. and suche wryt may be made
in the country and in the banke, as it ap-
peareth by the Register.

R. iiii. A wryt

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A wrytte de
q̄ permittat
is such.

A wrytte de Quod permittat.

Rex vñ salutem. Precipe A. q̄ iuste ac. et sine
dilatione permittat B. hāre com̄ pasturam in
A. de qua C. patet predicti B. cuius heres ipse est
fuit seiscutus: vt de feodo tanq̄ pertinet ad tenem̄
tum suū in eadem villa die quo obiit, vt dicit. Et
hiss. &c.

This wrytte lyeth wher a man is disseys-
sed of comon pasture, & the disseysour
doth alien and dieth, & his heire entreth,
oʒ the disseysy dieth, then the heire of the
disseysy, oʒ the disseysy self, shal haue the
saide wrytte. And note ye; that a Quod
permittat was vsed; here rationabile est o-
uarium in bosco. vel in turbaria et simi-
libus. But in place of thys wryt is gy-
uen A wrytte of Nouel disse. as it is sayd in
the statute of Westm̄. 2. Ca. 25. whiche
beginneth: Nisi non est aliquod bre &c.
foʒ by þe statute is ordeined: that if anie
be disseised of his turbary, fishing oʒ of
any other such like that belongeth to his
frehold foʒ terme of his life at the lest, he
shal haue A wrytte of Nouel disseisin. And
also by the statute of Westm̄. 2. Ca. 24.
whiche beginneth. In quibus casibus &c.
that if any persō of holy church be dissei-
sed of hys comon of pasture (leauing the
disseysour) he shal haue A wrytte of Nouel
disseysyne of comon of pasture. And in
the same maner wil, that the surcessour
shal haue a wrytte of Quod permittat against
the

the disseisoure or his heire. But in case
 where they are many comoners, whiche
 hath comon of pasture together by dede
 or couenant. And that the lord leaue vpo
 the comon a myll or a backehouse. The
 comoners shal not haue Assise of Nouel
 dis. but shal be helped by the comon law
 vpon their couenaunt or especialty. And
 that it is giuen by the statute of Westm
 2. Ca. 46. whiche beginneth: *Quia in fra-*
tuto &c. in the end. And note ye that whe
 this wryt is in the debet without the so-
 let, a man ought to declare of the seyson
 of his auncestour, and shal hold his suit
 derelued good, the lieth battaile or great
 Assise. And when the wrytte is in the de-
 bet and the solet, and a man shal declare
 of his own seyson, and not to say, to hold
 his suit derelued good, & this wryt shal
 be tried by the enquest. And this wrytte
 shal be pleaded as a wryt of trespass bi at-
 tachunt & distres and not by the graunde
 Cape or petit Cape. And it is to know, y
 if a free tenant be put out of his comon of
 pasture by hys lord, or if the lord hath ap-
 proued contrary to the statute of Mart
 Ca. 4. and against the statute of West.
 2. Ca. 46. so y the tenant hath no suffici-
 ent pasture, he shal haue Assise of No-
 uel dis. of comon of pasture. And if the pa-
 sture be surcharged by one free tenant,
 they

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they shal haue a wryt of Admesurement. But yf the tenat surcharge the pasture, the lord shal not haue a wryt of Admesurement agaynst the tenant, nor the tenat agaynst the lord, but the lord shal, haue Assyle of Nouel disseysne de libero tenemento, q̄ hoc dubitat. And knowe ye: y a wryt of *Quod permittat* may be pleaded in y countie befoze the shiriffe & it may be in the debet & solet, oz in the bebet wout the solet, accorpyng as the demaundant claymeth. And yf a man dysseysed of hys comon of pasture, & the dysseysoure dyeth & hys heyre entreth, the disseysie shal haue a wryt of *Quod permittat*, & shal make mencion of the disseison. And if after y death of the dysseysoure oz hys heires a straunge purchasour entreth, he shal haue a *Quod permittat* in the debet & solet, whych he shall try the ryght. And yf he demaund comon of pasture of the seyson of hys aūcestour the day of hys death, he shal haue a wryt of *Quod permittat*, that shal make mencyon of the seyson of hys aūcestour, the which is in nature of *Quod*. But if a straunger entre after the death of the disseysour, he shal haue agaynst the straunger no other wryt but the *quod permittat* in the ryght. And knowe ye: that a *quod permittat* lyeth of comon turbarry, fischpyng, and of resonable estouers agaynst the dysseysours of a disseysie

disseisin by him or his aūcestours made to the pleintyf or hys aūcestours, and in no other degrees. ¶ Note ye: that in the *Quod permittat*, that is of the nature of the *Mo:roa* aūcestour mai not be pleaded in the county. But the *Quod permittat ad certū numerum aueriorum* may well be pleaded in county in the comon banke, or in Cyze.

In a *Quod permittat* in the debet and sollet, of a way of hys owne seyson, it is convenient for the pleyntyffe to clayme the way in his declaracion by prescription or by deede: for that, that he claymeth to take suche pzoofte in the seuerall of another person.

Note ye: that if a man and al his aūcestours wer wont to grinde at my myl without multure, & the mylnēr wyll not suffer him to grynde without multure, whereby the milner taketh multure. In this case a man shall not haue a wꝛyt of *Quod permittat*, but a wꝛyt of Trespas.

And note ye: that ther is. iiii. maners of Comon (that is to say) Comon appendant, Comon appurtenaunt. Comon in gros, & Comon par cause de visinage.

Comon appendant: is there, wher a mā is seased of a maner to which he hath comon in other seuerall appendant to the same maner. And this comō may not be occupied, but with his pꝛoper beastes, & suche

Addicion.
E. 30. H. 6.

H. 41. E. 3. I

Nota.

H. 4. H. 6.
An. 11. H. 6.

Natura

such as doth compester hys lande.

n.21. D.6.

And if a man clayme common appendant, he ought to clayme it by reason of a mesuage, otherwyle it is not good.

M.4. C.3.

And note that a man may haue comon of fishyng belöging to his house as wel as comon of pasture.

M.4. C.3.

M.5. D.7.

And knowye that Comon appendant maye not be seuered from the landes to which the comon is belonginge. And yf the tenementes, to whych a comon is belonging come in the possession of hym y hath the land, out of which the comon is purchasid, the the comon is extinguished in his person. And if the tenementes afterwarde, be seuered by alienacion, as they were afore, than the comon is appendant as it was befoze, after Scot.

L.37. D.6.



Comon appurtenaunt is when a mā prescribeth to haue comon appendaunt to his land wyth all maner of beastes, & thys comon may be made gros.

M.5. D.7.

Comon in gros is wher a mā prescribeth, that he & his auncestours hath had comon in the land to beastes wout nombre, & he may occupy thys comon, wyth what maner beastes y he wyll, and may take beastes of a straunger to gvest. &c.

L.22. D.6.

Comon per cause de visinage is wher the towne of Dale, & the towne of Sale are adioyning, and the lord of Dale and hys

hys tenauntes hath bled to common in the wast ground of Sale, because of hys neighbourheade.

And note ye that to land newly approued: a man shall not haue comon: but to auncient land hyd and gayne. H. 10. C. 3.

If a man graunt to me to comon wyth my beastes whersoever his beastes go, & after he occupieth & manureth C. acres of land with his beastes, and after it hapeneth so, that he hath no other beastes, yet I shal haue my comon in the layd C. acres of land. But if a mā graunt to me to comon whersoener his beastes goeth (it is sayde) by Dartyne that I shall not haue comon, but when he cometh. An. 40. h. 6.

Note ye: y it was saide by C. Fayrfax that if one hath a way belonging to hys maner, or to hys house by prescription, this way may not be made in gros, for y that none may take yfit of that way, except he that hath the house, to whiche the way is belongting. But a comon appurtenant may be made in gros, & auowson appendant may be made in gros: for that that people may haue profit of them, not withstanding that thei haue not y land. But of comon of Closures to be bled in a house, may not be seuered and be made in gros, nor comen appendant, which is by reason of the tenure. &c.

A wyte

Natura

A wryt de Quo iure.

A wrytte de
Quo iure is
such.

Rex bñ salutem. Si A. fecerit te secus. &c. tñs
lōm &c. B. q̄ sit coram &c. ostendit. quomōdū exigit
communiam pature in terra ipsius A. in C. is
cui idem B. nullam habet communiam in terra
ipsius A. nec idem B. seruicia facit: quare commu-
niam in terra A. habere debet, vt dicit Et habe-
as ibi, sum et hoc bñe te teste. &c.

This wryt lyeth, wher a man hath co-
mon of pasture in another mans seue-
ral (after ȳ tyme of ȳ memozy vnto thys
p̄esent day) then he to whom the seuerall
belongeth, shal haue the said wrytte, by
which he shalbe charged to answer, by
what title he claimeth to haue comon of
pasture in the seuerall of the pleintif.

And note ye: that the lord may not put
out the tenant of the comon: for if he put
him out, he may haue assise agaynst the
lord, for that, that the tenant was scyled
of the comon after the limitation of as-
sise. But it is conuenient that the lord
haue this writ, and this writ is given to
try the righte. And the proces is in thys
writ, Somons, attachement, & dystres,
vnto the party come, and when the parti
commeth and pledeth in the right to the
accion, and after make default, then shal
ge a graunde dystres in place of a petit
Cape. And this writ shalbe determined
by bataille, or by graund assise aswel as
any other wryt of Right.

Note

Proces.

Add:

¶ Addition.

And know ye, that thys wryt lyeth for **An. 2. C. 3.** tenants of the grounde, but not for hym that claymeth comon by Herle.

A Quo iure brought by two, the one was **T. 11. H. 3.** nonsuit, & the other was receyued to sue sole, and the defendante iustified by prescription. &c. And therfore he wēt quyte.

A Quo iure may be brought agaynst several tenauntes. Or yf they and theyr tenants entercomon by cause of visinage, or of tyme wherof memorie doth not run though that the one gayne al his land or inclose, yet he shal haue hys comon with the other, and the other shal haue a wryt agaynst hym for to haue his comon. **H. 14. H. 3.**

¶ A wryt de admensuratione pasture.

Rex vobis salutem. Questus est nobis **A. q. B.** in **Rinle** superoncravit comunem pasturam suam in **A**. Ita q in ea plura habet animalia & pecora q habere debet, & ad ipsū ppetinet habend. Et ideo tibi precipimus: q iuste et sine delatione ad mensurari facias pasturam illam: Ita q predictus **B.** non habeat in ea plura animalia et pecora q habere debet, et ad ipsum pertinet habend scdm liberū tenementū suū q habet in eadem villa. Et quod predictus **A.** habeat in pastura illa tot animalia et pecora que habet debet et ad ipsū ppetinet habend ne amplius clamorem aud pro defectu recti: teste. &c.

A wrytte de
Admensurati
one pasture
such.

Thys wrytte lyeth, wher ther are many free tenauntes whiche hath comon of pasture belongynge to theyr frehold

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holde, & one of the surcharge the comon,
otherwysse than he ought, than he that is
grieved by this surcharge shal have this
writ. And knowe ye: that this writ lieth
for one of þe comoners or for all, but they
shal not have it agaynst the lord. And yf
one of the byyng a writ of Mesurement
al these comoners shalbe amesured, aswel
these that byyngeth not the writ, as he þe
byyngeth the writ. And this proces is in
this writ, as is ordeyned in the statute
of Westm. 2. Capi. 7. whych begynneth
Custodi de ceter. &c. that is to say, somōs
attachement, & distress paretory with
proclamaciō made in two cōteys. And
if the party come at þe proclamacyon thā
the ple shal passe betwixt them. And if he
come not at the proclamacion, than the
mesurement shalbe made by his default.

Addicion.

Note ye: that in this writ, it is no ple
for the defendaunt to say, that hanginge
this writ the demaundant put hym out
of his comon, and of that he hathe assyse
hangyng: for that, that he is seysed of the
tenementes, for the whyche he surchar-
ged the pasture.

Enters. C. 3. If I have comō in a maner bycause of
visinage, & the lord surcharge that comō
I shal have a writ of Mesurement agaynst
hym: for that, that I am not his tenant.

And

Proce.

A. 8. C. 2.

And knowe ye after Huse, if there be **H. 19. C. 3.**
 but two neighbours in a towne, which
 entercomoneth in others lande, a w^{rit}
 of Mesurement lyeth not betwixt them
 for the one may not say, y^e the other hath
 surcharged his comon, for his comon is
 the freholde of the other, and his frehold
 may not be surcharged.

This w^{rit} lieth not against him whi^{ch} **A 22. C. 3.**
 he hath comon appendant no^r agaynst **L. 1. aff.**
 him that hath com^{on} by especialte to beast **plito. 45.**
 stes without numbze. But against him
 which hath comon appurtenant te, and
 comon by especialte to a certaine nūbze
 of beastes. &c.

In a w^{rit} of Mesurement of pasture, **H. 7. D. 6.**
 he declared that where the defendaunt,
 hath comon in a certaine place because
 of hys tenure, and there hath the defen-
 daunt put mo beastes than he ought of
 right, and shewed the numbze, and the
 surplusage of the beastes, the defendant
 said that there is another that hath co-
 mon in the place which is in ful life not
 named in the w^{rit}. And by some men it
 was said, that a man shall not haue an
 accion against one, against whome he
 hath no cause of accion. But by this ac-
 cioⁿ al shalbe admesured, and it is no pre-
 iudice to them: for that, that thei haue al
 that, that right wil.

L. 1.

A w^{rit}

**¶ A wryt de Secunda supero-
neratione pasture.**

A wryt de se- **R** Ex bñe salutē. Mōstrauit nobis A. qd cū ipse
cunda supero- **R** bñe tibi nēm nūq detulisset de cōmuni pastura
neratione pa- **R** las in A. ad mensurādā quā B. iniuste superonera-
ture is such. **R** ut et in pasturā illā p pceptū nēm prout mon-
est in regno nō admeſuraueris idē B. pasturam
illam post admeſurātione pēdictā iterū iniuste
suponerat in ipsius A. dāpnū non modicum et
grauamen et contra formā statuti in huiusmodi
casu prouisū & quia eidē A. iuxta formam eiusdem
statuti subuenire volumus: ut teneatur tibi pceci-
pinus qd in propria persona tua ad pasturam illā
accedas et per factū pbozū et legalium hoīm
de balliua tua: per quos rei veritas melius scire
poterit de scda eiusdem pasturē superoneratione
deiegender inquiras. Et super inquisitionem illā
pasturam pēdictam pat pefatum B. post pūā
admeſurationem iterū iniust suponerat inue-
ris tunc de ageris illis in pastura pēdicta bitra
debitum numerū post pūā admeſurationē po-
ſitis bñ de precio eorūde nobis ad scaccat nōstrū
refōdeas et superonerationē amoueas teſte. &c.

This writte lieth, where Mesurement
hath ben made, and he y first surchar-
ged the comon, anothertime surcharged
than he that is so greued shall haue the
sayd writ. And note ye: that this writ. is
sometime Originall, and sometime Ju-
diciall. And in the case aforesaid it is
Originall, & it is a Justicies not retour-
nable. But that the shirife shall goe in
proper person to the pasture, and he shal
make inquire by lawfull men of his bai-
lewike

letwike of the superoneraciō and if it be
found, the shirife shal answer to þ barōs
of the Cheker for beastes, which were in
the pasture ouer & about the que nūbze.
And whā it is iudicial, thē it shal go out
of the comon bāke to þ shirif cōmaūding
him y he go to the place where þ mesure-
ment was made, and inquire in the pre-
sens of þ parties, of the secōd surcharge:
and if it be found, the inquisiciō shal be
sent to the iustices of the comō bāke vn-
der his seale, & the seales of the iurours
& after the inquisicion retourned þ iusti-
ces shal iuge the parties their damages.
And knowe ye: y this writ lēteth not, but
where a mesurement hath ben made be-
twixt þ foresaid tenantes: for if any pur-
chase the state of one which was pty to þ
Mesurement, he shal not haue this writte
of second surcharge, for he is not helped
by þ statute of west. 2. ca. 8. And knowe
ye that a writ of Mesurement may be re-
moued out of the county into the comon
banke by a Pone. aswel at the suit of the
pleintife as at the suit of the defendant.
But it shalbe all times with cause.
And thā the writ of the second surcharge
is iudicial, as is aforesaid.

¶ A writ de Rationabilibus diuitiis.

REX vñ salutē. Precipim⁹ tibi q tuile ac. scēdē A writ de ra-
Rōnabilib⁹ diuitiis tuer teriā A. in C. & teriā tte nabili

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bus de uis
is such

S. de. **R.** in **D.** sicut eē debent et solent: unde tot
A. queritur: q̄ predictus **S.** plus inde trahit ad
feodū suū q̄ ad ipsū pertinet habend. **Re.** ampli
us inde. **sc.** pro defectu iusticie teste: **sc.**

This writ lieth in case where there is
two lordes in diuers towne, & theire
seigniorles ioynerh togither. If any par
cel of land of the one seigniorie hath ben
incroched by little parcels after the time
of memozy vnto this present time, than
that lord of which seigniorie the parcel
of land was encroched, shal haue ȳ sayd
writ against ȳ lord that hath incroched.
And know ye: that this writ is a Just
cies and may be remoued by the **Pone** out
of the countie into the comon bāke. And
thys writ hath bē made betwixt diuers
townes, and diuers parsons & not other
wise. And the proces is, Somons graūd
cape, & petit cape.

Proces.

A writ de
Perambulaci
one facienda
is such.

A writ de Perambulatione facienda.
Rex. **hic** salutē. **Pre** tibi quod assumptis tecū xij.
discretis & leg. militibus de com̄ tuo et in p
p̄ta parsona tua accedas ad terram **w.** de **S.** in
C. et terrā **B.** de **A.** in **A.** per corū sacm fieri fac
perambulationem inter terram ipsius **w.** et terrā
predicti **B.** in **C.** q̄ p̄dicti **w.** & **B.** posuerūt c̄ corā
nobis in pambulationem illam **Et** scire f. c̄ **Iu**
sticiariis nostris ap̄d westm̄ tali die. **vt** Just. cl
arius n̄is ad n̄m i. a. **Itē** sub sigillo tuo et sigil
lis iij. legat̄ militū ex illis: qui perambulationē
illā inter fuerint n̄ quos metas & diuīas param
bulatio illa facta fuerit. **Et** habeas ibi nomina
militum et hoc breue: teste **sc.**

Thys

Thys writ lieth in case aforesaid wher
parcel of land of the one lord hath ben
in such maner incroched by longe tyme
past, than by assent of both the Lordes
this writ shalbe purchased. And in this
writ is no proces. But that the Writse
shal take with him the said parties and
chiefe men dwelling in the sayde seig-
niorie, and go to the said place where the
incrochement was made, and there thei
shal make Perambulacion, and order &
seignories as they were in olde time as
before the incrochemēt. And knowe ye:
that these two writs lieth not, but wher
that incrochement hath bene made fro
yere to yere by little parcels withoute
time of minde vnto thys present time.
But where the incrochement hath bene
made but of late time, than lieth & assise.
And know ye: that the writ of *per ambula-
tione faciend.*, alwates is made by agrement
of the parties betwene diuers townes
in one countie. And the parties betwixt
whom the Perambulacio shall be made,
shal cōe to & chaūcery & graūt the Per-
ambulacyon shall be made be twirte
their landes. And the agrement shall be
inrolled, or thereof a *dedimus potestatem* may
be made. Anno. 8. E. 3.

¶ Addicion.

Note ye: that a tenant in dower maye
haue

l. iiii.

haue

Perambulation
Writ de Perambulatione

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I. 12. B. 3.
It ebou

haue this w^{rit}. But the Perambulation;
shal be made betwixt him in the reuerſiō
& the defendāt in this w^{rit}, & not betwixt
the tenant in dower and the defendant.

¶ A w^{rit} de annuo redditu.

A w^{rit} de
annuo redditu
tu is lxx.

Rec^o b^e salutem in. D^ece^o A. q^o iuste. &c. reddat B
&c. C. l. quas ei aretro sūt de annuo redditu. x.
l. quas ei debet: b^e dⁱc^t. Et nisi fec^o. &c. tunc sum
&c. offens^o quare non fecerit. Et habeas ibi sum
et hoc b^e p^o t^este. &c.

¶ Aliter in comitatu.

Rec^o b^e salutem in. D^ece^o tibi: q^o iustices A. q^o iuste
&c. redd^o B. de. C. c^o salidos: qui ei aretro sūt
de annuo redditu. x. l. et unius robe: que ei debet
b^e dⁱc^t, et licet rationabiliter. &c. p^o ampl^o. &c.
p^o defectu iusticie: t^este. &c.

This w^{rit} lieth in case, where a man
graūt to another by w^{rit}ing ani sūme
of money o^r rent, to take evere yere of
hys colers, o^r of hys chamb^{re} o^r of hys
maner. And after such graūt that sūme
of money o^r rēt is behind. Thā he to whō
y^e rent is graūted shal haue y^e saide w^{rit}
by this w^{rit} recover the sūme of money
o^r rent that is behinde and hys dama
ges. But if the landes o^r tenementes
be charged wth a dist^r so^r such rēt behind
thā he may distreine in the lādes o^r tene
mentes. And if the distres be fro him de
forced, thā he shal haue assise. And know
ye: that this w^{rit} of Annuite is not to be
sued by executors, but in place of thys
w^{rit}

Writ is giuē a writ of dette, which shal be made in the Detinet, and not in the debet, & in y same maner shal be of wheat Barly, and other such like. And knowe ye that in this writ, & in a writte of Det bpō an obligaciō, and in other cases like wher he ought to shew especialty in declaration, declaring in such writtes it is conueniēt that the name of the pleintife, or the name of the defendant agree with the specialty or otherwise the writ shal abate, if the party that challenge. But in a writ of wast brought by him in the reuerſion, and in a forimedō in the remainder, a man ought not to shew especialty afoze that it be demaunded by the party, though that the name of the pleintife, or the demaundant in the writ be not according to the especialte. The writ shal not abate, as it appereth. D. 41. C. 3. in a writ of wast. And the proces is Somons Attachement and distres infinite.

Proces.

And note ye: y of annuall rent going out of land or tenemēt, & not of a chābze a man ought to haue the writ.

¶ Addicion.

Note ye: that if annuite be graūted out D. 4. B. 6. of a church in one county, and the graūt is seised of the annuite in another county, the graunt may chose in which county, he wil bzing his writ of annuite.

m. 13. C. 3.

L. iiii.

In

Natura

22.E.3.

In this writ the declaraciō was challenged: for that, that the pleintife supposed leison by the handes of the defendant and his pzedecessour, where he was not seised by the handes of the defendant: & not allowed.

16.E.2.

The declaraciō was challenged for y that, it was the yere of the Incarnaciō, and not the yere of y reigne of the king, and not allowed.

11.E.4.

If Annuittie be graunted upon condition, the pleintife shal not shew that, in his declaracion, but he shal make his declaracion simple, & the defendaunt shal not have auantage of that by way of ple in abatement of the declaracion, but he shal pleade that by way of barre.

3.3.6.

If a man graunt annuite of a gowne, pise. rr. s. the writ shalbe brought of the gowne, pise. rr. s. without speaking of the. rr. s. if the graunt will, or hee maye haue a writ of the. rr. s. without speaking of the gowne, & in this case the writ shal not abate though y it be not according to the writting. But if the writ agree w y graūt than the writ shal abate for the non certaynte for by the writte the demaunde ought to be certaine.

If I graunt annuite of. xl. s. to one of the kinges chapleins, vnto he be promoted by me to a cōpetent benefice, in this case

case if I profer to him a benefyce which is worth. x. markes, the which he refuse, that is a good extinguisment of y^e Annuite, for the benefice shal haue relacio of y^e value of the annuite, & not to y^e estate of the persō to whō it is profered though that he be a man of great estate y^e nota.

If annuite be graunted vpon condicio, y^e is to say, vnto the graunt be promo-
ted to a benefice, or to giue his counsel.
ec. And the graunt bringe a writ of Annuite of the arrerages, and the grauntour say that such a day he profered to him a sufficient benefice, or that he demaunded his consell & the graunt that refused, in this case, the grauntour shal not answer to the arrerages before the tender, for y^e that by the tender, the Annuite is determined, & of these arrerages, before the extinguisment, the graunt is put to his writ of dette. If the graunt haue acquitance of y^e arrerages before y^e extinguisment, he shal not plede that in a writ of Annuite: for he shal haue auantage to pleade that in a writ of dette.

If Annuite be graunted out of certein lande, it is in election of the graantee to bring assise, or a writ of annuittie.

In a writ of annuite if the defendant shewe acquitance of the arrerages, yet the pleyntyfe shal haue iudgement to

D. 1. D. 6.

D. 16. C. 1.

D. 18. C. 2.

D. 30. 3.

Natura

to recover the Annite aswel as in a writ of meane, the defēdant pleadeth not distressed in his defaute, the plaintife shall recover the acquittall freight way.

D. 22. C. 3

In a writte of Annuite against one J. and declared that the sayd J. by a debet he sheweth graunted to hi one Annuite of. rr. s. by yere going out of the manour of Dale, the defēdant sayd that after h accion brought, he hath receiued. r. mar kes of the arrerages of the sayd annuite & so hath he abated his writ. And it was holden that was no ple to discharge the writting, ercepe that he shewe another writting, as it is vpon an obligacion, els it is no discharge.

D. 6. B. 4

If a person of a church hath licence of the patron & ordinary to graūt Annuite this graunt of Annuite with such licēce shall charge his succellour for ever wout any other graunt, or confirmation of h patrō & ordinary. And that is as strong in h law, as they al had ioynded in graūt, or confirmed the graunt made by the p son alone. Tamen quere.

D. 45. E. 3

If annuite be graūted to another for his counsell giuen and to be giuen the graunt is not bounde, to goe to the graffour, but to giue his counsell where the graunt is.

If a man graunt to me an Annuite of
rr. s.

xx.s. by yere payable at the feast of saint Michael, & at the annuciacion of our Lady, & the dede beareth date the fourth day of february, I shall take y first paymēt at the feast of the Annunciacion next after the date of the dede, notwithstanding that the feast of saint Michel, be the first day in the dede.

¶ A writ de Consuetudinibus et serviciis.

Rex viſ ſalutem. Pſc A. p. iuſſe qd. ſac B. de C. conſ & recta ſeruit. ſua: que ei ſac debet de libe: ro tenemento ſuo: qd de eo tenet in p. vt in red. ditibus aſſ et aliis: vt ſic vt in ſecta cuſ et in aliis. Et n. iſc qd. te ſeruit tunc ſummat. qd. oſſens quare non fecerit. Et habeas qd. teſte. qd.

I writte de
Consuetudi-
nibus & seruis
tibus ſuch.

Thys writ is a writ of ryght and will be determined by bataile oz by greate Aſſiſe. And lieth where I oz mine aunccestours after the lymptacion of Aſſyſe was not ſeiſed of the cuſtomes, oz of the ſeruices of our tenant. But afore the lymptacion we were ſeiſed of the ſeruices, and of the cuſtomes of our foresaide tenant, than ſoz to recouer the ſayd ſeruices. I ſhal haue the ſaid writ. And y proceſſis, ſemōs, graūd cape, & petit cape. And it is to know that this writ may be pleaded in. iiii. maners, that is to ſaye by one affirmatiue, &. ii. negatiues, thys affirmatiue is called a writ of cuſtomes and ſeruices. And this wytte ſuppoſeth
alwaies

Natura

alwaies, that the lord is auctour, and þe tenant defendant. And the lord by thys writ may demaunde against his tenant that holdeth the ground of him without meane, to demaund rent or suit to court or sealte, and suche maner of seruices, wherof the lord, or his aūcestours were seised by the hand of the tenāt, or his aūcestours, as of rent going out of þe same ground, or in his demeane, as of fee and of right, by reason of which rent the corporal service is mouable. And for þe, sōe people was wont to declare of the right in their declaracion of his owne seylon as of fee & of right. But of other seruices that are not remouable a mā ought not to declare but as of fee, & of right without demeane. And this writ is al hōly in the right: wher homage is graūted, & knowledged by the tenant in ple pleading, in which case lieth nother batail nor great Assise, nor in this writte ought the solet neuer to be written. And knowe ye that this writ ought to be pleded bi þe same delais, as þe *Quod permittat*, but in this writ of right, is demaunded tenementes in demeane after customes and seruices denied. And by the lord Gilbert de pꝛeston lieth not the vieŵe, that is to saie, if the defoꝛceour hold not. ii. tenementes in þe same towne wherof the demaūdant claimeth

meth diuers seruices to him aswel as in
the *Quod permittat*, & this writ may be ple-
ded in the countie befoze the Shyrife, or
Justices of the comon banke by the *Pone*
but better it is for y^e chiefe lord to pleade
befoze the Justices of the comon bancke
than in the countie, for the disclamour of
the tenant, to whome no paine is gyuen
bp^o y^e disclamour in the county. But if
the disclamoure be afoze Justices of re-
cord, than an accion is giue to the lord
to demaunde those tenementes in demeane
out of which the seruices doth goe. And
if the lord be wise he may purchase such
maner of seruices, that if they be behind
for defaute or distress he shal haue reme-
die after the fourme as is contained in y^e
statute of Westm. 2. ca. 21. which begin-
neth. *Cū in statuto. &c.* And with y^e agre
to the stat of Glouc. ca. 3. which beginneth
Consent si home lesse. &c. And y^e one of
these writs of Customs, & seruices ne-
gatiues is opē. And beginneth thus. *Pro-*
hibemus tibi ne iniuste veres. &c. And y^e
other is close. And beginneth thus. *Vic.*
salutē Prohibemus tibi q^d nō permittas
A. q^d distringat B. ad faciendū ei consu.
& seruic. q^d de iure facere nō debet nec so-
let. &c. And the writ y^e is open is betwixt
y^e tenāt auctor, & the lord defēdāt, but af-
ter y^e the tenāt hath declared for suit, and
dama,

Natura

damages the lord defending the wordes of the court, and in the repleuing saye þ he distreined not the tenant for þ custōes and the seruices, wherof the declaraciō is to the wrong, and not to þ right, and after shewe al the declaracion of þ writ of Customes and seruices, and profer his suit to be good, and after the tenant, which was auctour afore becometh demaundant, and shal defend by batail, or by graunde assise, as they ought to doe. And it behoueth of fine force, þ the tenāt knowledg to holde the tenemētes which are in demaunde of the same lord, by some seruices, or otherwise a writ of except lieth. And if he will, this writ at the first shal be brought in the courte of the same lord, that distreined if he ha the court and there shal the tenant plede as long as þ court may do right. And whā the court may make no right, the shirife at the suggestion of the pleintife by vertue of such a clause that is contēined in þ writ, þ is to say. Et nisi feceris &c. mai make a Tolt out of the lords court into the countie, & from thence remoue þ plee afore the Justices of the comon banke by a *Pone* if he will after the order of þ writ of right open. The writ negatiue close is of Customes and seruices not due, and lieth in case whan the lord distreineth a man

man for customes & seruices not dew, &
nothing claimeth to holde of hym, and
namely whan the tenant that is distres-
ned, knowleged no seruices to be due to
the lord by his hande, & that is a writ of
Right, and he that is auctour shal becoe
defendant, and the contrary, & such writ
will be determined by batayle or graunde
assise, as in the *Quo iure*. And there is dif-
ference betwixt this and the *Ne iniuste vexes*:
for y, that the *Ne iniuste vexes*: will all times
be open. And the writte of *Quod permittat*,
close. And the pleintif, that bringeth the
Ne iniuste vexes: claimeth to holde of the lord
that distreineth, & knowledgeth in ma-
ner parte of his seruice of him deman-
ded & part denieth. And he that bringeth
this writ close declareth not to holde of
the lord the tenementes, and no serui-
ces of hym demaundeth to bee dewe by
him to the lord. And if the tenant be wise
at the beginning, he shal cause his beas-
tes to be deliuered by repleuin, for if the
tenant may auerre that y lord, nor none
of his auncestours were neuer seysed by
the hand of y tenat, or of his auncestors
or of any other tenant of the same tene-
mentes of the seruices demaunded after
the limitacion of the assise, the repleuin
shall serue hym but peradventure the
lord was seysed by longe continuance
of

Natura

of the seruices demaunded, though that it was by wꝛonge by the hande of the tenant oꝛ of his auncestours, than the repleuin may not helpe, but than he ought to bꝛinge the *Ne iniuste vexes*: oꝛ if he be distressed by the chiefe lord foꝛ suit, than in suche case he shall bꝛing a wꝛit framed vpon the statute of Mart. Capi. 8. which beginneth. *De sect liquidem faciendo. &c.* Note ye that a manne may haue acquitance of the seruices in. iiii. maners, that is to saue by dede the counter baileth acquitaunce, oꝛ foꝛ that, that the Heane is seised of other such euil seruices by the hand of the tenant, as the lord peramont demaunde of tenant oꝛ foꝛ y, that he & his auncestours of tyme where of. &c.

Addicion.

D. 1. C. 3.

Note ye that this wꝛit is of diuers natures, some are wꝛittes of right determinable, by bataile, oꝛ by graund assise, & that may none vse but he y of clere right may speake, and some are mixed in y possession, and that in diuers maners, foꝛ some is brought of the seyson of the demandant by the hand of the deforsant, and such wꝛit shalbe in the Debet & solet and seme the seyson of the auncestoure onely and such wꝛit shalbe in the Debet only without the solet, and shal declare
soꝛ

foz damages foz the possession by whiche this w:it that wilbe tryed in the possession may a mā vse though that he may not trye the ryght, as tenaunt in dower o: by the courtelpe, & if the defozsour will dysclayme, than the tenaunt in dower o: by courtelpe shal haue ayde of hym in the reuercion, foz that, y he may not be haffye to such hys aunswer, that to pleade in the right without him in y reuercion to whō the accion is genen by the disclamour.

¶ A w:it de Contra formam feoffamenti.

Rex balliuis B. de B. salutem. Cū de communē cōsilio regni nēi Anglie pūsum sit ne quis occōne tenementorum suozū distring. ad sectam faciendū ad cū dñozū suozū nisi p formā feoffamētū ad sectā illā, aut ip. i vel eozū antecessores tñ illatenētes eas fac. cōsueuer ante pñ transfē dñi H. B. paut in Britān vobis pcepimus quod nō distring. ad faciendū sectā ad cū pdictam de p. cont formū pūssionis pdictē & si districtionē quā ea occōne feceritis sine dilatione relaxatis: teste &c.

Thys w:ytte lyeth where a man in feoffeth another of certain landes o: tenementes by Chartoure of feoffemente, to make certayn seruices and suites to hys court, and the lorde, hys heyre, o: hys assignes distreyn hys tenaunt to make mo seruices thā is conteined in y sayd Chartour, than this sayde tenant may haue y sayd w:it directed to the lord, commaundyng him that he distreyn not the sayde

p. i.

tenant

A w:it de contra formam feoffamenti is such.

Natura

tenaunt to dooe other seruices than hys
Chartour will, as it is geuen by the sta-
tute of Marll. Ca. 9. Which begynneth:
De sect liquidē faciend. &c. for none shall
be bound to make suite to the court of his
lord otherwyle than is conteyned in hys
Chartour. And y proces is, Attachement
and dystrelle until the partye come. And
knowe ye, that thys writte oughte to be
brought there where the playncife clay-
meth by disceit, & not by purchase. And al-
so if any be dystreyned agaynst y fourme
of any statute, he may haue a prohibicio,
and vpon the prohibicion Attachement:
but he shall not haue attachement afoze y
prohibicion sued. And note ye, that if a-
nye heritage of whiche one sole suite is
due disceit to many parceners, than by
the foresayd statute he y hath the aunciet
parte shall make the suite for all, & these o-
ther shall make contribucion, and if they
will not the shall haue agaynst the a writ
De contribusione facienda, which writ and ma-
ny other that toucheth this matter shall be
founde in the Register amonges wyrttes
of y statutes. And y proces is as in a writ
Of Dedimus potestatem de fine levanda.

¶ Addition.

¶ Note ye that in this writte, the defen-
dant demaunded hearyng of the drede of
feoffement, & the demaund was not alowed.

Note

Note ye, that if there be the lord and the tenant, and the lord is seised of two courtes. s. of one court in Dale, & of another in Sale, and the tenant holdeth of the lord of the maner of Dale, and suit to the same, & it is agreed betwixt the lord and the tenant, that the tenant shall make suit to the court of the maner of Dale, for the suite due to the court of the maner of Dale, the lord in this case may distreyne his tenant to make the suite to the court of Dale, as he ought, for the suit abydeth all times due to the court of Dale. And the same law is if the lord by agreement take two. s. of rent by yere, in allowance of suit, & so is seised by the space of .xl. yeres, & at the last the .ij. s. are behynde, and the lord demaundeth his suite, in these cases the tenant may not maynteyne a writ of *Contra formam feoffamenti* agaynst the lord.

A writ of Meane.

R Ex biē salutem. Preci. a. p. iuste & c. acquietet B. de seruic. q. C. ab eo exegit de libero tenito Inoq. de prefat. A. tenet in A. vnde id A. qui medius est inter eos ipsum acquietare debet vt dicit. Et vnde queritur quod pro defectu eius distringitur Et nisi fecerit & c. teste & c.

A writ of mene is such.

This writte lyeth, where there are lord Meane, & tenant, and the lord distreyne the tenant for the seruices that the meane ought to doe to the lord, goyng out of the lande, than shall the tenant

Natura

nant haue this writ agaynst his Meane.
 And if the tenant haue any wytyng ma-
 king mencion of any acquytall, or finall
 concorde of hys next meane of whome he
 claymeth to holde the grounde, or of hys
 auncestours, or any seyson of any acqui-
 tall by the hande of thesame meane or of
 hys auncestours: if the meane doe demaund
 what he hath to bynde hym to the acquy-
 tall: than must he shewe it. And after that
 the meane hath entred into the acquittall
 for to acquyte the tenaunt of the seruices
 required by the chief lord: y same meane
 may haue another writ agaynst his mea-
 ne betwixt him & his lord, & so of euery of
 them. And this writ of Meane & wyttes
 of Customs and seruyces afoze sayde,
 shalbe pleaded, by thesame delayes as a
 writ of Trespas. And the Proces in this
 writ is Somons, Attachement, and dys-
 tresse. And day shalbe geuen befoze y the
 great distresse shalbe returned, so that.ij.
 hyre courtes may be holden & proclama-
 cion shalbe made in those.ij. hyre courts
 that the meane shall come at the day con-
 teyned in the writte for to acquyte the te-
 nant, and if he come not at the sayd daye:
 than shall he lose the seruices of his tenat
 & shalbe foreiudged of hys seignozye, and
 the tenaunte which byngeth this writte
 shalbe immediate tenaunte to the chiefe
 lord

Proces.

Ep. 3. C. 2.

lord, & shall doe thesame seruices, & suites **¶. 3. C. 2.**
 as hys meane did to the sayd chiefe lord.
 And that is geue by the statute of West.
 2. Ca. 9. whiche beginneth. *Cū capitales
 domini &c.* Neuertheles, y tenant shal not
 be prohibited to sue the proces geuen by
 the comon law, y is to say, Somons, At-
 tachment, and Distresse, til the party do
 come if it be for hys profite, for if the te-
 nant holdeth of hys meane, by lesse serui-
 ces than the meane holdeth of the chiefe
 lord, and the tenant sueth the proces ge-
 uen by the statute, and the meane is for-
 iudged of hys seignory: than must the te-
 naunt doe thesame seruices to the chiefe
 lord that the meane dyd, which were gre-
 uous to the tenant, and therfore may the
 tenant chosse, which of the two proceses
 he will sue in thys case. And by thesame
 statute this proces aforesaid, nor this for-
 iudgeyng is not geuen, where there bee
 many and sundry meanes betwixt the su-
 perour lord and thinferiour tenant, but
 in case where there is onely one meane.
 And also thys foriudgeyng is not geuen
 of ryght, but onely for the ternaunt of fee
 symple agaynste the Meane of Fee sym-
 ple. Neuertheles at y common law, there
 was writte of Meane for the ternaunte in
 taylor and tenant for tearme of life, and y
 is proued by the sayd statute, where it is
sayd.
¶. iii.

Natura

sayde. Pro tenente in dote per legem Anglie et ad terminum vite vel per feodum talliatum nondum est remedium prouisū &c. but that is to be vnderstāded, & remedy, as concearning the foreiudger, is not ordeyned for such tenauntes, but the tenaunt maye haue a writ of Heane, as it doth appere by the same statute. And note ye that a writ of Heane maye be pleaded in the hyre court before Justices of the common place, or Justices in Eyre, nor & distresses shall not cease vpon the tenant though the writ wer purchasid vpon the Heane because & chief lord hath alwayes hys recourse to hys fee, for to dystreyne for hys customes and seruices with arrerages of the same. And note ye, that a mā may haue acquitaunce of seruices in diuers maners. s. by dede, or because that & Heane is seiled of of such seruices by the hand of the tenant as the chiefe lord demaundeth to hym, or because the Heane and hys auncestours hath acquyted the tenaunt and hys auncestours at al times or because he doth hold of hym in Frank marriage, or in dower, or in Frankalmorigne. And note ye, that in case the Heane be ready to acqyte the tenant of the seruices due to the chiefe lord, and the chiefe lord dooeth dystreyne the tenaunt, for the same seruices, thā shall the tenant haue a writ

W^h it directed to the Shyrife of y^e same Shyre
reherfing, how that the Meane is readye
et. cōmaunding him y^e he shal not suffer y^e
tenant, noz the meane to be distrayned by
the sayd lozde, noz other wyse to be vered
by reason therof. And note ye, that if the
Meane doe commyt a felony, for y^e which
he is attaynted. In this case thinferior te-
nant shal become immediate tenant to y^e
chief lozde of such seruices as he did to the
Meane. And note ye, that thys wyzt may
be removed out of the Shyre court into the
common place by a Pone.

¶ Addition.

¶ Note ye that equalnes, or oueltie of ser- L. 4. H. 6
uices is, where the tenāt holdeth an acre
of land of the meane, by. vi. d. & the meane
holdeth the same acre ouer by. i. d. that is
good oueltie, for that, that y^e tenant hol-
deth by that, y^e the meane holdeth & moze,
but if the Meane holde by moze seruices
than the tenant holdeth of hym, that shal
not be sayd oueltie of seruices.

¶ And it is not cōuenient for the pleyntif An. 39. H. 6
to shewe the certaynty of the tenure be-
twixt the meane and the lozde aboue, for
than shal folow, that y^e tenure betwixt y^e
meane & the lozde aboue, shalbe tryed be-
twixt the Meane and the tenant, and that
shalbe no reason if the playntife declare
that he holdeth of the Meane in Franke-
M. iii. almoygne

Natura

almoygne & that he and his auncestours
hath acquyted hym & hys predeceffours,
tyme out of memory &c. this declaracion
is not double for the frankealmoygne is
no cause of the acquitall, excepte that he
shewe the gyft. s. how the defendand and
hys auncestours, which gaue in franke-
almoygne, which is good cause of acquy-
tall withoute more, or to prescrybe, that
he & hys auncestours hath bled to acquite
the pleyntife, by reason of frankealmoy-
gne, & he haue not prescribed in franke-
almoygne & hath not shewed the begyn-
nyng of the gyfte, but hathe shewed the
prescrypcyon generall, the which is good
cause, and the other is but voyde, if the
pleyntife prescrybe, that the defendand
ought hym to acquyte agaynst the lord
paramount, & all other, & it is founde for
the pleyntife, that the defendand ought
him to acquyte agaynst the lord, this pre-
scription of acquitall agaynst all the o-
ther, is voyde.

¶ If the pleyntife declare that he is dys-
trayned by one D. for seruyces of the
Meane, & that the Meane holdeth of D.
where there is two lordes, betwixte the
Meane and D. the defendand may pleade
in abatement of the declaracion, that he
holdeth not of D.

¶ The lord Meane, and tenant, are, and
the

3.44.C3

3.44.C3

the Heane bindeth himself by fyne, to acquyte the tenaunt agaynst the lord and hys heyres, the lord taketh a wyfe, and hath issue and dyeth, the wife is indowed of the seygnozy, & distreyned the tenaunt perauale for the seruices of the Heane, in this case the Heane shall acquyte the tenaunte agaynst the wyfe: tenaunt in dower, though he bee not heyre to the lord, for that, that the reuercyon of the seruices is to the heyre.

¶ The lord Heane, and tenaunt are, the D. 17. C. 3.
lord distreyned the tenaunt perauale for release after the deathe of hys father, in this case the Heane is not bounde to acquyte him, against the lord, for that, that the answer that should discharge hym lieth not naturally in his mouth.

¶ The lord and tenaunt are, and the tenaunt maketh a lease for tearme of lyfe, yelding certain rent, and the lord distreyned the lesse, for the seruices of the tenat, and the lesse byngeth a wyrt of Heane, the defendaunt shall saye, that the pleyntife hath nothyng but for tearme of lyfe, & he shall not shew of whose lease iudgement &c. It is conuenient for the pleyntife to mayntayne that he hath fee, otherwyse the writte shall abate for that, that the wyrt lyeth not, for tenant for tearme of lyfe, but a wyrt of couenaunt, & to saye that

Natura

that he holdeth of the lease of the defendat
the reuercyon to hym that will make no
issue.

P.38.C.3

¶ The lord meane becyng a woman &
the tenant, the meane byndeth her selfe to
acquyte the tenant & after taketh a hous-
band and hath issue, and the tenant relea-
seth to the hulbande, y he noz hys heyres
shall not be bound to acquitall, the hous-
band & the wyfe dyeth, the tenat parauale
bzyngeth a wꝛit of Meane agaynst the is-
sue as heyre to hys mother & he pleadeth
this release in barre, & it was holden y he
shall not be barred, for that, that the dese-
dant is bound as heyre to hys mother.

P.40.C.3

¶ The lord meane, & tenant are, the me-
ane doth graunte, by fyne the seruices of
hys tenant to a stranger in fee, to whome
the tenant parauale doth not atturue, the
grauntour doth take a wyfe, & taketh es-
tate to him & to his wyfe & to the heyres of
the body of the wife, & for defaulte of such
issue, the remaynder to the ryghte heyres
of the husbände, & they haue issue a sonne
& the husband dyeth, in thys case the sone
shalbe charged of the acquitall, in y wꝛyt
of meane, if he may not auerre, that the te-
nant attourned to the graunte & the wife
shall not be charged.

P.24.C.2

¶ The lord, meane, and tennaunt are, the
tenant is a woman, & taketh a husbände
which

which are dystreyned for the seruices of the meane, in this case the husband, & the wyfe shall haue a writ of meane agaynst the meane, & they shall declare y^e the wife is dystreyned, aswel as the husbände supposing that the wyfe hath propertie of the goodes during the espousales, and yet the declaracion is good.

C Note ye, that a fozeiudgement agaynst **M. 9. C. 2.** the housband and the wyfe, is not voyde, but erreure, for he shall not haue a *Cui in vita.*

In a writ of Meane supposyng that he **10. 29. C. 3.** is dystreyned, by one **K.** whereof the defendant is meane, the defendante sayde that another tyme the pleyntyffe broughte a writ of meane agaynst him, supposyng y^e he is dystreined by one **M.** in y^e same land & that we are mene betwixt them, so supposeth he y^e **M.** hath the seignory, iudge-ment of the writ that supposeth **K.** to haue the seignory, and not allowed, for if there be two or thre lordes euery one aboue o^r ther, if any of them dystreyn the tenaunt perauale, his suit is agaynst hys meane, and he shall haue a writ ouer, and so hys plee is no plee to the writ.

The lord of a hundzed, meane, and tenaunt are, the tenaunt dooth holde of the meane by homage, and Escuage, the lord demaundeth suite to hys hundzed, of the tenaunt **M. 4. C. 3.**

Natura

tenant perauale, in thys case the tennaunt shall not haue a writ of meane, for as concerning the suit to the hundred of y^e lozde shall adouwe vpon hym, y^e is tenant for y^e land for otherwyle he may not do, notwithstanding ther is meane betwixte them, & for suite that is due, by reason of the resistance, the meane shall not acquyte hym.

If the lozde paramount of whome the meane holdeth dyeth, hangyng thys writ the writ shall not abate for that, that the writ was well purchased at one tyme, & it is no reason that it shall abate, by the death of the lozde that is a straunger, if it shall be plee to say that the lozde is dead, it shalbe to the accion, for the tenant shal haue no remedy by a writte of Meane, of that distresse taken in the life of the lozde, but of a foriudger otherwyle is, for there the writ shall abate by y^e death of the lozde paramount, for that, that the tenant maye not be attendant to a dead persone.

If the tenant doe sell the meanalty by fyne hangyng a writ of Meane, and the tenant sueth furth his writte & foriudged hys meane, notwithstanding thys alienacion or sale, the tennaunt shalbe attendant to the chiefe lozde, and the graunt of meanalty, shall not charge the tenant to attorne.

If the tenant be dystreyned for suche seruices

24.D.6
51.C.3

24.C.3

25.D.6

seruices that the tenaunte holdeth of the meane, he shal haue a writ of meane mayntenant withoute any notice made to the meane, but if he be dystreyned for other seruices than the tenaunt holdeth of the meane, thā he ought to make know'ledge to the meane, and after such knowledge, he shal haue a writ of Meane, and not afoze.

Note ye: that in a writte of Meane, the quantitie of the seruices shall not make issue, as if the playntiffe declare that he holdeth .xx. acres of land of the defendāc by certain seruices, & sheweth which and howe he holdeth ouer by many other seruices, & howe the pleyntife is dystreyned the defendant shall say, that the playntif holdeth .x. acres of y. xx. acres by certayn seruices, and shew which and by manye other mo seruices, that the plaintife hath not supposed & that he holdeth these other .x. acres by other seruices, than the playntife hath declared, and demaūded iudgement of the declaracion, nowe the pleyntife shall saye by protestacion not knowing .xx. acres are holden by manye other seruices, as hath been alledged, but that they are holden by one whole seruyce in the maner &c. *Quod nota.*

Tenaunt for tearme of lyfe, the tenāc shall not haue a writ of meane agaynst y meane

Natura

meane, for he is not tenant to him, but to hym in the reuercion: but if he be distreyned for homage, he shall haue a writte of meane for he may not doe homage.

E.17. C.3.
An.15. B.6

CBut tenant for terme of lyfe, for tenat whers y remaynder is ouer in fee, he shall haue a writ of meane agaynst the meane. Thesame law is of tenant in dower.

H.14. C.2

CIf tenant by the courtesye be of a meanaltie, the tenant parauale shall not haue a writte of meane agaynst hym in the reuercion, leauing the tenant by y courtesye.

M.22. C.4

The defendant in a writ of meane sayth that where the playntiffe hath declared that he holdeth of me, and I ouer C.B. I say that I holdeth of C.B. as in ryght of hys wyfe, & it is thought that it is a good plee, for otherwyse if the tennaunte ought to recover by this writ, the meane shall be charged to two acquitales, the one by estoppel, and the other because of the meanaltie agaynst C.B. and hys wyfe, as in the right of hys wyfe.

An.7 B.4

CIf the lord distreyn the beastes of hys tenant where ther is a meane, the meane maye put hys beastes into the pounte in gage, for the beastes of the tennaunt, and shall haue a repleuin, & pleade with h lord and so euery estate saued, & if the meane refuse to helpe his tenant by this maner, the tennaunt shall haue a writ of meane, upon

Upon the spectall matter.

In a writ of meane it is no good declaration, to say that the defendand, and his aunccestours hath acquyted the pleyntife and hys aunccestours, & those, whose estate he hath, but he shall saye that he holdeth of hym by homage, fealtie, and certayne rent, of which seruices he is seised, & saith that he and hys aunccestours hath acquyted the pleyntiffe and hys aunccestoures, tyme out of mynde. &c.

A writ de Querela frisca force.

Curia dñi regis apud w. in gualhalda eiusdem ville scdm consuetudinem ville illius ac libertate burgens. ville illius per diuersos reges Angl conc. & per dñm regē nunc confirmat coram Johē S. et A. T. ball' ville predictę die lune prox. post festum sancti Bar. apostoli, anno regni. E. 4. 9. ad hanc cū venit Abbas sancti Petri de Wyde, iuxta w. in propria persona sua, et queritur versus Thomam L. capellanum Cantuar beate Marie virginis in ecclesia sancti Petri in L. de pñio assise friske forcie dicendo: quod idem Thomas L. iniuste & sine iudicio: ac bñ recenti dilecti. enim de libero tenemto suo in w. post primam transse domini H. filii regis Johānis in bascon et infra querentem &c. inuenit plegi. de proq querelam suam J. H. et J. S. Ideo secundum consuetudinem ville predictę preceptum est R. ff. et R. w. seruientibus domini regis ad clauas in eadem villa & ministris eadē predict quod telcis fact tenent predictum de cattallisque in ipso capē facē & ipsam tenent cum cattallis in pace usque ad prox. cū corā maiore & balliuis ciuitatis pñcte in Gualhalda predicta tali die prox. futuro tenendum.

A writ de Querela frisca
force is such.

Natura

Et interim fac. xii. liberos & legales homines de
 vi. h. predicto infra precinctum libertatis ville pa-
 dicte videre testillud & nomina eorum inbreuari.
 Et quod cum eos per bonos summi quod tunc sine
 parari inde fac. recogn. Et quod post per vadum
 et saluos plegios predicti T. vel balliuum suum
 si ipse inuenitus non fuerit quod tunc sit hic audia-
 tus illam recogn. Et quod tunc habeant hic summi
 nomina pleg. ac. Et super hoc eadem abbas posu-
 it loco suo J. H. versus T. S. de predicto placito
 ad quem diem pstat seruiant res hic panellu de no-
 minibus recogn. quod huic rotulo est consuet. Et
 cessantur quod eadem recogn. summi sunt per Adam
 Pye & B. S. quorum uterque manucapitur per
 Johannem Done. R. S. T. J. & T. S.

This writte lyeth in case where a man
 is disseysed of tenementes that are de-
 uplable, as in the Citie of London or o-
 ther Boroughe or towne that is fraun-
 chysed, than the disseysy shall come in the
 court of such a towne, that is in fraun-
 chised &c. And enter hys pleynte, where
 in he shall shewe howe he is disseysed, and
 vpon that shall. xii. men say theyr verdyte
 in lyke maner as in A. Wylle of Nouel dys-
 seiso. And know that the cause why that
 it is called freshe force, is for that, that
 if the disseysle cause not hys pleynt to be
 entred, nor recovered within. lx. dayes,
 he shalbe put to hys recovery at the com-
 mon lawe. s. to A. Wylle of Nouel dysseys-
 son (Et ideo quere) And if the mayre & the
 minystrs of the courte will not alwarde
 execucion of the iudgement of this freshe
 force

force, then the party pursuant, or plein-
tiffe shall haue thys wytte solowynge to
haue execucion after the fourme of thys
pleint, and shalbe dyrected to the bailiffs
of the same towne. And the wytt of exe-
cucion is such.

Rex balliuis J. de C. salutem. Precipimus vo-
bis q̄ executionem iudicii nuper redditū in cur-
nā de B. sine breui nostro int̄ A. & B. de quad̄ frif-
ca forcia eidem A. per prefat̄ B. in R. fact̄ ut dicit̄
sine dilāt fieri fac̄ T. &c. Et sicut alias et cum plu-
repp̄i nede be. &c.

A wytt de Ex graui querela.

Rex maiori et dicit̄ Londoni salutem. Ex graui
querela J. filie E. et W. sororis eiusdē J. ac-
cipimus quod cum scdm̄ cons. in eadem ciuitate
hactenus obtentam et approbatam liceat unicui-
que ciui eiusdem ciuitatis ten̄ sua in eadem ciui-
tate in testamento suo in vltima voluntate sua tā-
quam catalla sua legere cuiusque voluerit ac S.
ciuis ciuitatis predicte. iiii. mesuag. cum pert̄is
in eadem ciuitate in testamento suo & vltima vo-
luntate sua, Et habend̄ sibi et her̄ suis de corpora-
re suo ex eund̄ legasset B. et D. vxori ei⁹ duo mef.
et tres thopas inde prefatis J. et W. filiabus et
hered̄ eiusdē B. det̄ minus iuste in ipsorum J. et
W. dispendium non mod̄ et grauamen. Et quia
eisdem iniuriari nolumus in hac parte vobis pre-
cipimus q̄ vocatis coram vobis partibus predic-
tis auditisque hinc inde earum rationibus inspecto-
que tenor̄ testamenti predicti eiusdem J. et W. fi-
ri fac̄ debitum et festum iustitie complementum
prout de iure & secundum consuetudinem predic-
tam fuerit faciend̄ et hactenus in casu consimili
fieri consuevit Teste &c.

**A wytt de Ex
grau querela
is such.**

Natura

Thys wyrt lieth where a man is seised
of certain landes or tenementes in fee,
within a City, town, or Borough, whi-
che landes or customes are deuyfable,
and he by his testament deuylse to a man
the sayde tenementes, and dyeth, yf hys
heyre or any other man entre in the said
landes or tenements so deuylsed, then the
deuylse or hys heyre shall haue the sayde
wyrt agaynst the heyre of the deuylsour,
or agaynst any other man that abated,
not regardynge in what maner degree
that he is in, after the deuylse made, if the
deuylsour dieth, the deuylse not anulied in
the lyfe of the deuylsour. And knowe ye:
that thys wyrt wyll neuer be pleaded a-
foze the kinges Iustices, but all tymes
afoze the Mayre, and the baylifes of the
City or Borough, or afoze the baylyffes
wher there is no Maire, or afoze the bai-
lyffes of any towne, or afoze baylifes of
fee, or seignory where ther is such vsage.
And knowe ye: that no freehold may be
deuylsed, but where such vsage is, for eue-
ry deuylse of freeholde is agaynst the co-
mon lawe, but the law suffers suche de-
uylse to be made because of suche vsage
of so longe tyme vsed. And the proces is
suche, that the tenaunt shalbe somoned
to be afoze the Mayre and the baylyffes
at a certaine day to shewe wherefoze the
other

Proces

other ought to haue execucion, and yf he can nothyng say agaynst him, then the demaundaunt shal haue execucion.

¶ Addition.

Note ye what deuyses are good, and what not, and who shal deuyle, and of what thyng, and who shal haue auantage of the deuyle. M. 22. C. 3.

If land be deuysed to a man by testament wythout shewyng what estate he shal haue, he hath nothing but for terme of lyfe.

¶ Note ye: that the husbände may deuyle lande in fee or for terme of lyfe to hys wyfe. M. 3. C. 21

A woman may not deuise land by her testament to her husband, for because she may not make testament but by the assent of her husbände, and that is the dedde of the husband to make estate to hymselfe, whiche is against the law. An. 3. C. 3. Item Nota

Land deuisable is giuen to the husband and his wyfe, & the heyre of theyr. ii. bodies begotten, & for default of such issue to remayn to the ryght heires of the husband, the husbände deuysed the same remainder to his wyfe that is tenaunt in tale, and dieth wythout issue betwixte them, this deuyle of remainder is good. An. 27. C. 3. Li. ad. p. l. 10. xi

A woman seyled of certeyne land deuisable take a husband and hath issue, and D. 29. C. 31

Natura

the wyfe deuise the land to her husband and dieth, now he shalbe iudged in, as tenant by the Courtesi, and not as tenant by force of the deuise, for the frehold beginneth in him afore the deuise.

M. 19. h. 6.

A man deuysed lands for terme of life and deuised further that his executors shoulde sell the reuercion and dyeth, the executors sold the reuercion wythout dede, for because that is but a contract and the reuercion passeth bi the auctoritey of the deuise and the testament is the cause that the reuercion passeth, for yf a man make a priest his executor, and deuised that his executor shall sell the reuercion, that is good without dede, for othervyse it shal neuer take effecte, for a priest may make no dede that shal binde hym and a fyne hee maye not leaue for that, that he hath nothing in that.

**M. 5. C. 2.
D. 39. C. 3,**

A wyfe of the assent and wyl of her husband maketh a testamēt and deuised by the same, halfe the goodes of the husbande and maketh her executors, who proueth the testament by the assent and wyl of the husband that is good deuise.

M. 26. h. 6

If a man deuise land wherof he is not seysed, if after he purchase the lande, the deuise is good.

**Note.
D. 6. h. 6.**

Note ye: yf lande be deuised to a man and to his heires males of hys body, and he hath

he hath issue a daughter whych hath yf
sue a sonne, the sonne shall enherite, and
yet of a gift otherwyle is.

Note ye: that the king may not deuise **¶.37. D.6.**
land by testament, no: giue nothing but
that, that he hath in possession, by **For.**

Note ye: that executors may pay the **¶.2. D.6.**
debtes, afore any deuise perfourmed. **¶.18. D.6.**

It is saide, that there is diuersitye be-
twixte a graunt and a deuise, for yf one
deuise land to me for euer, or to my as-
signes for euer &c. and speaketh nothing
of his heires &c, that are wordes of enhe-
ristaunce, yet the deuise is good to take ef-
fect in the deuise as a fee simple, for that
that hys will and entent shalbe taken in
thys case &c.

If a man deuise goodes and dyeth, the
deuise may not take goodes without li-
uere of the executors.

If a man deuise a booke, or any other **¶.37. D.6.**
thinge to one for terme of life, and after
his decease the reuercion to another for
euer, if the executors deliuer þ goodes
to the first deuise & after the deliuer the
deuise dieth, then the second deuise maye
selle the goodes without liuere of the ex-
ecutors, for possession of the first is the
possession of both, which was denyed by
some men, therfore enquyre the law.

If two ioyntenantes are, and the one

¶.iii.

deuise

Natura

denyse al that, that to hym belongeth, to
a straunger and dyeth, thys deuyls is
boyde Causa patet. &c.

A wryt de Cōi custodia.

**A wryt de cōi
custodia is
suche.**

Rex viē salutem. Preē A: quod iuste et sine dī
latione reddat B. custodiam terre hered D. &
C. que ad ipsum B. pertinet eo quod predictus
D. terram suam de eo tenuit per seruitium mili-
tare vt dī et nisi fecit, et predictus B. fecit &c. tunc
suū &c. Teste. &c.

Proced.

Thys wryt lyeth where a man holdeth
landes or tenementes of another by
knyghtes seruyce, and the tenant dyed
his heyre within age, a straunger etreth
in the landes and obtain the ward of the
body, then the lord of whom this land is
holden, shal haue the said wryt. And the
proces is in this wryt, Somons, Attach-
ment, and two distresses & day shal be gi-
uen afoze the second distress returned the
iii. Mire courttes may be hold. And this
proces is giuen by the statute of Westm
2, Capi. 35. whiche begynneth. De pa-
eris siue masculis. &c. And wryth that a-
greed Marl Cap. 7. which begineth. In
plito vero de cōi custodia &c. As to the di-
stres, but not to h proclamaciō. And al-
so wyl the sayd statute, that yf the defen-
daunt come not at the proclamacions
made in the thre counties, the pleintiffe
shal recouer the warde for the tyme, sa-
uyng another tyme the ryghte of the de-
fendaunt

sendant when he wyl speake. And also if the warde belong to the lord by reason of a ward that he hath in possession, and a straunger obtaine the same warde the lord shal haue the said wryt, but the common proces is, as afoze was bled in the comon law, and the lord shall holde the ward by reason of the ward vnto his ful age, and this is the cause, for that that it is a chatel in hym, and he is thereof seysed, & he may not be put out of possession afoze the ful age of the heyze. And know ye: that if the gardein make wast in any part of the ward, he shal lose the ward & ouer that he shall yelde damages to the infant, and if the warde lost sufficed not to the value of the damages afoze y age of h heyze he shal make gre of h remenat. And that wyl the ifatute of Glouc. Ca. 5. In the myddes which begynneth. Ensement est purueu &c.

**¶ A wrytte de Entrusion
de garde.**

Rex bñ salutē. Si A. fecit te. &c. tunc cum &c. B. A. wylt de En-
trusion de hē D. q. sit coram &c. ostensū quare cum trusion de
custodia terē et hē ipsius D. ad ipsū A. usque garde is such.
ad legitimam etatem predicti hē pertinet ratio-
ne dimissionis quam A. de B. de quo predictus
D. terram suā tenait per seruitium militare, inde
fecit p̄dicto A. et eidē B. infra etatē existēs se in
terrā p̄dictā intrusit et custodiā illā a p̄fato A.
adhuc detinet ad grane dampnū ipsius A. ut dicit

R. iiii.

Et ha3

Natura

Et habeas ibi sum et hoc breue &c, telle, &c,

This wryt lieth wher the infant with
in age entred in his landes & holdeth
hys lord out, the lord shall not haue the
foresayd wryt de cōcustodia, but thys wryt
of Intrusion of warde.

Addicion.

I. u. b. 41

Note ye: that an Abbot shall haue this
wryt of Intrusion, of an Intrusiō made
in the time of his predecessour, & he shall
make mencion in his wryt that gre was
not made to his predecessour nor to him

A wryt for the valure of the maryage.

A wryt for
the valure of
the maryage
is such.

Rex vñ salutem, Si A, fecerit te secus &c, tunc
sum B, filium & heredē C &c, ostens: quare cū
maritagiū predicti B, ad predictū A, pertinet
eo, quod predictus C, terram suam de eo tenuit p
seruiciū militat et eidem A, predicti B, dum in
fra etatē fuit competēs maritagiū obtulerit ei-
dem B maritagiū renuens prefato A, de mari-
tagio suo, nec satisfactiōem et satisfacere contra-
dicit ad graue dampnum ipsius A, et contra for-
mam statuti predicti, vt dicit, Et habeas, &c, Te-
re, &c,

This wryt lyeth where the lord profes-
reth conuenable maryage to the In-
fant without dispargement, and he re-
fuse, the lord shall haue this wryt, wher
by he shall recouer the syngle value of
the marriage. &c.

A wryt of forsaiture of maryage.

ker

Rex hinc salutem. Si B. de H. fecerit te secus A. wytte of
de clam suo &c. tunc cum &c. C. filium et heres forfayture of
D. quod sit &c. ostens. quare cum maritagium ip- marriage is
lius C. vna cum custodia ducentarum acra terre such.

cum pertiū in R. ad ipsum A. pertineat ratione di-
misionis &c. cui B. eum dimisit de quo predictus
D. terram suam tenuit per seruitium militare in
de fecit prefat. A. et eidem A. prefato C. dum in-
fra etatem fuit competens maritagium absque
billa disparagatione, iuxta formā statuti de com-
muni consilio regni nostri inde prouisi sepius ob-
tulerit, idem C. maritagium illud recusans vel si-
ne licencia et voluntate ipsius A. maritat fecit
& se in terram predictam prefato A. pro marita-
gio suo non satisfacto violenter intrusit de mari-
tagio predict. eidem A. satisfacere contradicit, ad
grauē dampnam ipsius A. et contra formam sta-
tuti predicti ut dicit. Et habeas ibidem &c. teste &c.

This wytte is given by the statute of
Morton. Cap. 6. & lieth where the lord
profereth Conuenable maryage to the
infant without dispergement and he re-
fuse, and he being within age mary him-
selfe, in this case the lord shall haue the
wytt of forfayture of maryage & recou-
uer the double value. And if this Car-
dein hath recovered the value of the ma-
riage against the raiushour, if he profer
to the heire a cōuenient marriage & he re-
fuse to be married, & after mary hymself,
the lord shall not recouer the double va-
lue of the maryage, for that, that he toke
the value of the marriage of y raiushour.

And

Natura

And if the heyze that is rauished be married without assēt of the rauishour, and after the Gardein recovereth the value of the mariage against the rauishour, in this case þe rauishour shal not haue thys wꝛit of Forfaiture of mariage agaynst the heire, for the heyze maye pleade that he hath no right of the seignioꝝ, noꝝ the lord shal not haue a wꝛit of Forfaiture of maryage, for that, that he hath receyued the value of the mariage against the rauishour. Note ye that some mens opinions is that a wꝛit of Forfait of maryage, not the value of the mariage is not giuen to the lord, wher he hath the lande in hys hand, by reason of which he hath the wardshipp, but if the heire abate in þe lande at hys ful age afoze that he hath agreed with the lord for hys maryage, he shal haue the said wꝛit, for that is mentioned of in the wꝛit, but in case that he hath not the wardshipp of the lād, he shal haue the wꝛit aforesaid, for there shalbe no mencion made of the abatements of the heyze into the lande.

Addicion.

h.14. C.3. I

¶ And was gyuen to the husband and his wife, & to the heires of theyꝝ two bodies begottē, and hath issue a sonne, the husband dyeth, and after the wyfe dyeth and the lord seyle the warde, and profer

to hym marpage, the whiche he refuseth
and marieth himself, and at hys ful age,
he entred in his land without greement
made to the lord, the lord bringeth a writ
de Quare se intrusit maritagio non satisfacto, in the
whych writ he did suppose that the defen-
dant was heire to his father, where the
mother suruined and the defendant plea-
ded that, in a batement of the writ, and
þ writ was awarded good: for that, that
it is in the personalty, & it is a personall
wronge made by him selfe to whych he
ought to answer. And the Gardein shal
reconer the double value of the marriage

A writ de Raupshment de garde.

Rex vic salutem. Si A. de B. et C. vic eius fece-
runt ac. tunc pone ac. q. sic coram Justic. nris
ad primā assisam ac. ostensū quare J. filiū et here-
dem suū infra etatem existentē cuius maritagium
ad ipsos A. & C. pertinet apud W. inuentum rapu-
it et abduxit contra voluntatem ipsorum A. & C.
et contra pacem nostram.

Et si hec sit in eod. comitat. tūc addat illa clau-
sula. Et interim diligenter inquiras ubi ille hec
est in baltra & ipsū ubicūque inuentus fuerit ca-
pias et saluo et scute custoditis quod cū habcas
ad prefatā assisā corā prefatis Justiciariis vel co-
ram nobis ad prefatū terminū, vel coram pfatis
Justic. nris ad predictū diē ad reddendum cui
vel quibus dictorū A. & C. et J. reddi debet Et ha-
beas ibi nomina pleg. et hoc breue teste. &c.

Ostensum quare cū custodia Juliane filie v-
nius hec C. ad ipsū B. pertineat ratione vñ
tionis

A writte de
raupshment de
garde is such.

Natura

tionisq; A. de T. de quo predictus B. terram suam tenuit per seruitium militare, inde fecit eidem A. predicti B. et C. predictam Julianam infra etatem in custodiam ipsius A. apud N. ex illi vi & armis rapuerunt & abduxerunt, & bona, et catalla ipsius A. ad volentem &c. ibidem inuenti ceperunt & asport. &c.

This wyrt lyeth in case wher any lord is in possession of the wardshipp of the land, and of the body, and a straüger rauisheth the body of the infant without any other thyng, then the lord shal not haue the foresayde wyrt: de Cöi custodia: but thys wyrtte of Rauishment of warde, that supposeth the infant to be rauished with force and armes. And for that the proces is as is cöteined in þe foresaid statute, that is to say, Somons, Attachement, & Distres, and for default of distres proces of vylawry, as in a wyrt of Trespas.

Proces.

And note ye: that when the heyre is rauished in one county and broughte in another cöuty, thē the lord shal haue such a wyrt, the which is giuen by the statute of Westm. 2. Cap. 15. whych begynneth De pueris masculis, siue femellis quorum maritagium. &c.

Rex hic. salutem. Quæstus est A. q; B. nup C. filiam et heredem A. infra etatem et in custodia sua apud N. in com L. existentem rapuit & de com illo ad talem locum in com tuo abduxit contra voluntatem ipsius A. & contra pacem nr̄am. Et ideo tibi precipimus q; predicti C. ubicunque in ballia

tus

tua inuenis poteris capias saluo et secus custod,
ita qd cu habeas corā Iustic. nris tali die ad red=
dendam cui predictus A. et B. reddi debeat. &c.

De herede abducto fiat tale breue. Rex. &c. **D**
nsum quare cu custodiaterē et heredis D.
usque ad legitimam etatem eiusdem heredis ad
iplum A. pertinet eo qd predictus D. terē suā &c.
Et eidem A. in plena et pacifica scilina &c, predic
tus D. filium et heredem &c.

And the proces is, as is aforesaid in y^e Proces
w^{yt} of Rauishment of warde. &c.

And note ye: that if any man holdeth
any landes or tenementes of any lord bi
knightes seruice & dieth, his heyre with
in age, the same lord maye enter in that
warde of the land, & take the body of the
heyre. And if one tenant hold. ii. acres of
land seuerallye by seuerall seruices, the
lord of whom the lande is holden by the
auncient seoffement shall haue y^e warde
of the body and that is gyuen by the sta
tute of Westm. 2. Cap. 19.

And note ye, that ther is. ii. maners of
w^{yt}s of warde. The one is wher a man
holdeth of another, landes by knightes
seruice. The other where he holdeth in
Socage. The wardship by knyghtes ser
uice belongeth to the chiefe lord of the
fee. And the wardshyp in Socage belon
geth to the next cosin, after the statute de
wardis, to whom the heritage maye not
dyscende. But in case that the mother be
on lyue

Natura

on lyue and the heritage dyscende from the part of the father, & the heyre be with in age, the mother shall haue the wardship aswel of the land as of the body, & in the same maner shal the father haue & so shal other cosins and auncestours haue

¶ And in case that the next frende be deforsed of h ward, he shal haue thys wyrt.

Rex vñ salutē. Precipe A. qđ in de ac. redd B. Custodiā terē & heredis C. que ad ipsam B. p- tinet qđ predictus C. terrā suam tenuit in Socas gio et predictus B. est propinquior heres ipsius C. vt dic. Et nisi fecerit ac. Telle. &c.

¶ And if the heyre in Socage be rauish- ed and not married, then the Gardeyn shal haue thys wyrt.

Rex vñ salutē. Si A. fecerit te. &c. de. &c. tūc po ne &c. B. qđ sit &c. coñ Iustic offens. quare cum custod terē: hered C. vñ que ad legitimā etatem ipsius hered ad ipsū pertinet eo qđ pdict C. terrā suam tenuit in socagio: et predict A. propinquior est herē ipsi C. intra etatē & in custod ipsius A. ex- istit, apđ A. inuentū vñ et armis cepit & abdux. et a lia enozmia ei. &c. vt in breui de Transgressionē.

¶ After qñ maritatur. Rex &c. vñ et armis cepit et abdux. &c. ipsam sine licentia & voluntate ipsius A. maritauit ad graue. &c.

¶ And note ye: that a wyrtte of Raussh- ment of ward for the garden in Socage is not gyuen by the statute of Westm. 2. Ca. 35. whych beginueth: De pueris. &c. But for that, that h statute of Westm. 2. Ca. 24. is q querētes non recedāt a Cā- cellat sine remedio: this wyrt is giue by

the comon counsell of the chauncery, and the wꝛit was that he claimeþ the ward vnto he come to full age, and the wꝛytte was awarded good. Note ye: that gardeſhip in Socage may not be solde.

And note ye that a man may demaũd the wardſhyy in thre maners. One maner is whē a man demaũdeth the wardſhip of the land and of the body bi a wꝛit of Ryght of ward, as afoꝛe is ſaide. The ſecond maner is, when one tenaunt holdeth of two loꝛdes, of the one by pꝛioꝛity and of the other by poſterioꝛity: the loꝛd of the poſterioꝛity may not bring a wꝛit of ward of the land and the body: foꝛ the body belongeth to the loꝛde of pꝛioꝛitye, and there the loꝛde of poſterioꝛitye ſhall haue a wꝛyt of Elecment de gard. The thirde maner is when a man hath the lande and not the bodye. Then he ſhall haue a wꝛyt to demaunde the body with out the land, and that by thys wꝛytte of rauiſhment of warde.

And note in caſe where the heire hath bene in warde of the loꝛd, & the loꝛd wyl not deliuer to him hys landes at hys ful age. Then the heyre ſhall haue Aſſyſe of Mortdaunceſtour and reconer y land with his damages: after that: y he come to hys ful age. As it appereth by the ſtatute of Marle. Cap. 16, which beginneth
Si

Natura

Si heres aliquis. &c.

And note ye: that if the infant be married in the lyfe of his father, though he that after the death of his father he is within age, and the wyfe of the heyre dyed, the lord shal not haue the maryage for that: that he was one tyme married. In the same maner is if the lord marry the Infant and his wyfe dyed, he beyng wyth in age, the lord shal not haue the maryage another tyme.

It is said that ther is gardein in right and Gardeine in dede, for yf the Cardyne in dede let the land to a straunger for yeres a wyrt of Dowry, or a wyrt of warde is not maintainable against him, but agaynst the lord. Otherwyse is, wher the Gardeine in right, or Gardein in dede, letteth his estate withoute wyrtynge vnto the ful age of the Infant, in which case the wyrt shalbe mainteined against those lessees.

And note: that if the heyre hath ben in ward, he shal pay no relief but wher his aūcestour held of the kyng by knyghtes seruice, or by fee serm, & payeth knyghtes seruice, the king shal haue the warde of al the landes & the body, and when he cometh at his ful age, he shall paye relyefe to these other lordes, after the quantite of his tenure, as it appereth by the great Chart.

Chartour. cap. 2. But the heire in Frā^{te} Socage, whan he cōmeth to his full age after the death of his auncestour he shal double the rent y he was wont to pay to p^{re}lod & that shal be in place of relief. As it appereth by the Statute de wardis et releuis. Capitulo primo.

Note ye: that Socage may be sayde in thre maners, that is to say, socage of free tenure, Socage of auncient tenure, and Socage of base tenure. Socage of free tenure is where a man holdeth by free seruice of. xii. d. by yere for al maner of seruice, or by other seruices yerely. And in this Socage the next colin to the infant to whom the heritage may not discende, shal haue the ward as it is aforesaid. Socage of auncient tenure is of land of auncient demeane where no writ original shall be sued, but the writ of Right, that is called *Secūdu cōsuetudinē manerii*. Socage of base tenure, is of those that holdeth in socage, & may haue no other writ but the *Monstrauerūt* & such Sokemen holdeth by no certein seruice, & for that are they not free Sokemen.

A man shal haue a writte of *Kauishe*ment of ward of the bodye notwithstanding that he was neuer in possession of the body: for maintainant after the death of his tenant, the heire being within

non-ye^{re}ly
Socage

age, the possession of hym is adjudged in the lord by the act of the law.

If a man make a feoffement by dede, or by fine of landes holden by knightes service, or suffer any recouere against him to his vse by o trust & dieth, his heire shall pay reliefe if he be of ful age and that by the statute of An. 4. H. 7. ca. 7.

Also if the ternaunt in Socage make feoffement to his vse, the lord of whom the land is holden after the deathe of hys ternaunt, whereof no will is declared, shall haue his reliefe & thereof & all other duties, as he ought to haue had, if the tenaunt had died seised. And that by the statute of. An. 19. H. 7. ca. 15.

¶ Addicion.

In a writte of Ranshemment of warde &c. It was sayde that if the ternaunt of a bishop die, his heire within age, & after the bishop died and seise not the Infant in hys life, the successour maye seise, or haue a writte of Ranshemment of warde. And it was said, y it is no pce in a wryt of Ranshemment of ward to say that the auncestour of the infant held not of him, for whether he holdeth of hym or not, it shall not be lawful for no man to ranshem the warde from him without affirming title in himselfe.

In a writ of Ranshemment of warde, the

P. 2. H. 4

Ep. 10. C. 3.

the plaintif declarerh that the father of the infant holdeth of him a manner by knightes service in. S. &c. and y the defendante hath hym rauished, & in the writ y infant was made heire to his father, by cause y the father died seised of the sayde maner in his demeane as of fee. And the defendante alledged y the grandfather of the infant dyed later seised. &c. so oughte he to haue bene made heire to the grandfather, and not to the father, & that was no plee without shewing that the grandfather dyed later seised by title, for it may be that he was in by abatement, and after the issue was taken, that the graunde father dyed later seised of fee, withoute that, that the father dyed seised of fee, and the plaintife mainteyned that the father died seised of fee. &c.

¶ A writ of rauishment of warde was brought against. iiii. mē & a woman: the enquest sayde y the men were gilty of y Rauishment, & not the womā, but that she married the infant to her doughter, & for that was she likewise adiudged gyltie, as the other were, and y pleintife recovered y value of the mariage without damages, & they alwarded to prison by y statute of West. 2. Cap. 1. And it was demanded of the pleintife if they wer sufficient or not, and he sayd that they wer:
D. ii. for

Natura

for otherwise they ought to be awarded
to perpetuall prison, or abiure the land
by the same statute.

¶ A writ de Eiectione custodie.

A writ de E-
iectione custo-
die is suye.

Rex videlicet. Si A. fecerit &c. tunc cum per
bonos &c. B. possit &c. tali die ostensum quare
custodia terre &c. heredi D. vna cum matrimonio
vique ad legitimam etatem eiusdem heredi ad ipsum
A. pertineat pro eo quod predictus D. terram suam
tenuit de eo per servicium militare. Et idem A. in
plena et pacifica sua eiusdem custodie diu exti-
ferit predictus B. ipsum A. a custodia illa vi et ar-
mis eiecit ac bona et catalla sua ad valentem C. &c.
apud D. nunc cepit et asportavit & alia enormia &c.
et contra pacem nostram &c. teste &c.

This writ lieth where the lord is put
out of the wardship of the land that he
hath in his possession, than the lord shal
haue the said writ against him that put-
teth him out. And knowe ye y^e thys writ
of putting out of the wardeship lieth at
al tymes, whan the lord is put out of the
wardship of the land without the body.
And a writ of ranshemment of warde li-
eth where the bodye is rauyshed wyth-
oute the lande. And a writte of right of
warde lieth where he is put out of both.
And it is said, that the Gardein in So-
cage may maintein this sayde writ, and
a writ of ranshemment of warde, but not
wrytte of right of warde. By the Re-
gister a manne maye haue a wrytte of
Ryght of warde, and also a wryt of Ra-
mshemment

nishment of ward by reason of a ward,
 And know ye þi a writ of right of ward
 the proclamacion shal not be made afore
 the gret distress retourned, but in a writ
 of meane in the great distress, it shal be
 commaunded to the shirife that he make
 the proclamacion, as is giue by the sta-
 tute of west. ca. 9. which beginneth. Cū
 capitā dñi. &c. And also by the same stat
 Cap. 35. which beginneth. De pueris. &c.
 wil that in a writ of right of ward pro-
 clamacion shal be made by defaute of þ
 defendaut, but by the same statute in a
 writ of rauishment of ward by defaute
 of the defendaut he shal make no procla-
 macions, but al times a distress. And al-
 so know ye: that gardein in locage, is ac-
 comptable at the full age of the infant
 as it is said in a writ of accompt, that is
 to say, at. xxi. yeris, and not afore, but þ
 infant shal haue his lande in hys owne
 hādes whan he is of þ age of. xiiii. yeris.

And note ye: that of landes holden by *Nota.*
 knyghtes seruice, the statute of Mar-
 Ca. 6. which beginneth. De his autē. &c.
 wil þ where the heire is infeoffed, being
 win age by his auncestour, that the lord
 shal not lose the wardship by reason of
 such feoffement made by such Collusiō.
 And also by a feoffement made vpon cō-
 dicion by the auncestour yelding to him

D. iii.

and

and to his heires a great sōme of money
 vnto a certain terme, at the ende of whi-
 che terme the heire may be of full age, &
 than to entre into the land, in thys case
 the lord shal not lose the wardship, if he
 may pꝛoue by his wꝛit of right of warde
 that the tenant made the feoffement by
 collusyon, and if he pꝛofer to pꝛoue by h
 country, & by wꝛiting, that the feoffemēt
 was made by collusion, he shalbe recey-
 ved. It is saide that if landes be let for
 terme of life & remainder to another in
 fee, & he in the remaindre died, his heire
 within age, the lord shal not haue the
 wardship of him during the life of the te-
 nant for terme of life: but if the tenant
 for terme of life die, the heire being with-
 in age & entre in the lande by force of the
 remaindre, now the lord shal haue the
 wardship: for that, that he is as heire to
 his father. And in case h a man let lādes
 and tenementes to another for terme of
 life sauīng the reuercion to him and to
 his heires, if the lessour died, hys heire
 being within age, the lord shal haue the
 ward and marige of the heire, notwith-
 standing that he hath estate for terme of
 life, to holde of the chiefe lord of the fee.
 And also if land be giuen to two, to the
 one in taylor, and the other for terme of
 life, if he in taylor dye hys issue beyng
 with

within age, the lord shall not haue the warde of the bodye: for that, that the tenant for terme of life is tenant to his chief lord, but after the death of the tenant for terme of life the heire being within age, he in the reuersion shall haue the wardship and not the lord. If the father be seised of certeine landes or tenementes, and hath issue a doughter within age that is his heire, and marry her to a man of full age, and died, the lord shall not haue the wardship: for that, that the husbände is able to make the seruices due by reason of the land. But in case that a man marry his doughter being of full age to an Infant & died, in this case his lord shall haue the wardship, for the wife may make no seruices during the maryage: quere.

Quere.

And note ye that al writs of ward except this writ of putting out of his wardship, may be pleaded in the countye and remoued into his comon place by a *Pone.*

And wher the statute of west. 2. cap. 16. which beginneth. In casu. &c. will that if landes discend from the part of the father holden of one man, and other landes discend from the part of his mother holden of another man, that lord of whom the land is holden by the firste feoffement shall haue the wardshippe and the marriage, but the tennaunt by his feoffement maye

D. lili.

chaunge

chaunge the priorite & put into the posterio-
 rite. But it is said if a man come to
 diuers landes holdē of diuers lordes by
 one feoffement, he that first may obtain
 the warde of the body shal haue it, but if
 landes be holden of the king by knights
 seruice, he shal haue the wardship alwel
 of the landes holden of other lordes by
 knights seruice, as of any other landes
 holden of himself, and also shal haue the
 mariage, hauing no regard to the prio-
 rite, nor to y posterio-rite. As it appereth
 by the kinges prerogative. Capl. 1. And
 note ye: that it was iudged for the Erle
 of Marwike. An. 2. C. 3. where y Erle
 was seised of an Infant & of his landes:
 for that, that his auncestour died in hys
 homage, where other landes was disce-
 ded to the same Infant by another aun-
 cestour that was holden of the kinge by
 priorite, or posterio-rite, in the one case,
 or other the king shal not haue the ward-
 ship of no landes, but of such landes hol-
 den of himselke, nor the wardship of the
 body, & the cause is: for that, y the Erle
 was seised of the warde at one time by
 true title. And know ye: that if any te-
 nant died seised of any landes holden by
 posterio-ritic, the lord of whom the land
 is so holden obtineth the wardship of y
 body: if after other landes descend of the
 same

same Infant, that are holden of another lord by priozite, the lord that firste obtained the ward shal not be put out of his wardship by him of whom the auncellour of the heire hold by priozite: for that, yf it was a chatel one time in the possession of the lord of whom he held by posteriozite. And note ye: yf two coperceners bring a writ of ward and the one will not pursue, the other shal be receiued to pursue her right of the halfe of the land, and the whole body, otherwise is in al maner of actions personalles, as trespass, Dette, Covenant, or such like, the not suing of the one, shal be the not suing of the other. And note ye: that if an Infant be raiued and married by the raiuer to one wher by he is disperged, he may forsake his wife if he hath not knowen her carnally befoze the age of. xiiii. yeres.

¶ Addicton.

E. 2. C. 1.

Note ye: that these wordes were in the sayd writ. *Quare custodiam terre & heredis*, and it was chalenged, for this writ properly hath relacion to the lande, and he maye haue another writ for the body, and notwithstanding the writte was awarded good.

Note ye: that this sayde writte was brought of land & rent, & was challeged
for

H. 13. C. 3

for that: y rent may not be holdē, for the
 Meane is tenant of the lande hauing re-
 gard to his lordē & of hym he holdeth the
 lande, and not the rent, for thys wyte of
 Warde, Escheit, Cessauit, are not giue
 of rent, but after of good will the desen-
 dant passeth ouer. Ideo quere.

D. n. C. 2.

In this wytte of puttynge oute of the
 wardeship by reason of a deuise, suche a
 clause was in y wyte. Et blada sua apud
 H. nup cresset misseuer & blada illa ac oia
 alia bona et catalla ibide, inuēt ceper et
 asportauer contra pacē, & for y, that this
 wyte was graunted vppon the right of y
 seigniozie, and within thesame an acciō
 of trespas against the peace cōprehended
 so is there cōprehended within y same
 accion. ii, acciōs of diuers natures, wher
 fore the wyte abated.

An. 7. b. 6.

If an infant beyng aboue the age of
 yiii. yerres, make affiaunce in the lyfe of
 his ancestour, & after his ancestour died
 notwithstanding this affiaunce, the Lorde
 shal haue the mariage. Also if the infant
 be married in the life of his auncestour &
 the auncestour & she to whom the infant
 was married died, the infant beyng wīn
 xiii. yerres: the lordē shal haue the mari-
 age, otherwise is if he wer passe the age
 of. xiii. yerres at y time of y death of hys
 ancestour, or at the time of y death of her

to whō he was married, for by ſ takynge
of the ſeconde wiſe he is made bigamus
to whiche ſ law will not conſtrain him
but if the infant be married by the lord,
and ſhe to whome he is married dyeth he
being vnder the age of, xliii. yere: quere **Quere**
if the lord ſhal mary him another time.

If the tenant that holdeth by knightes
ſeruiſe entre into religion his iſſue wīn
age: quere if the lord ſhall haue ſ ward-
ſhip during the natural life of the father
for ſuch death maketh no diſcēt, that ta-
keth away any mannes entre, nor ſuche
death intitlith no womā to haue dower
during the natural life of the huſband.

¶ A writ of Eſcheſtre.

Rex viſ ſalutē Dñe A. qđ iuſte et line dilatiōe
reddō C. r. acraſ terre cū partiſ in p. quas B.
de eo tenuit & que ad ipſū C. reuerſi debēt tāquā
eſcaeta ſua, eo qđ predictus B. baſtardus fuit et
obiit ſine hered, vt diſ. &c. aliter rōne ſeloſi quas
de eo tenuit et ad ipſum C. reuerſi debent tanquā
eſcaeta ſua eo quod predictus B. ſoloſi fecit pro
qua ſuſpenſus fuit vel viſlagatus fuit vel ſic, pro
qua regnum noſtrum abiurauit. Et niſi fecerit
tunc ſum. &c. teſte. &c.

A writ of E-
cheſtre is ſuq.

This writ may be formed in many ma-
ners: for if the very tenant of any lord
that holdeth any tenement of him wyth-
out Meane make felonye, for the which
he is hanged, or forſwere the kynges
lād, or if he be behedded, or outlawed or
vainquiſhed by battayle to death, or yf
be

Natura

Proces.

he be bassard & die without heire of hys body, oꝛ die without heire generall, oꝛ special, than if any mā entre in those lādes oꝛ tenementes, the chief lord of whō he holdeth after a yere & a daye of the felony made may recouer the tenementes aforesaid by this writ of escheite, according to his case, as it appereth in the registre. And the proces is in the writ. *Somons, graund cape, and petit cape.* And against the *Turours venire facias, Habeas corpora,* and distress. But if the tenaunt in caple, tenāt in dower, tenāt by the courtsey, oꝛ tenant foꝛ terme of lyfe, make felony, foꝛ the which he is attainted, as is aforesaid, the king shall haue the Eschet during their liues, & after their derthes, he in the reuercion, shall sue to the king by petition, and shall haue the sayd landes out of the kinges hādes and not the lord by way of Eschet: foꝛ that, that the said tenantes are not very tenātes to the lord, foꝛ none is called very tenant, but tenant in fee simple. Foꝛ he in the reuercion may not haue the lande durynge the life of suche tenaantes foꝛ that, that the lande is giuen to them by the lawe during their liues without any suche foꝛsaithure to hym in the reuercion, but the kinge shall haue the lande as aboue is sayde, foꝛ the hainouse acte commytted against

against his law. And note ye: y in Magna Carta. ca. 22. which beginneth. Nos non tenebimus. &c. wil y if the tenant in fe simple make felony. &c. The king shal haue the lādes for a yere and a day, and after to be yel'ded to the chiefe lord Immediate. And by the kinges prerogative Ca. 17. will that the king shal haue such landes for a yere & a day, & after the tenementes shal be wasted, & destroyed, that is to say, houses, gardens, woodes, & euery other thing belonging to the sayde tenementes, and after they shal be deliuered to the chiefe lordes, except those tenementes that are in Cloc. Bent, & Cavelkind that are by custome, for those tenementes shal reuert to the next heire as no felony had ben made. And note ye that if tenant in fee simple be atteinted of felony and died, his wife shal not be dowed, nor his heire enherite: but if the tenāt in taile be atteinted of felonye and died, hys heire shal enherite: for that, that he is helped by the statute of Westm. 2. ca. 1. that wil that by dede, nor by feoffement, the heire in taile shal not be barred, but in y case, the wife shal not be dowed: for that, that she hath no acciō at the comon law, nor yet helped by the statute.

Note ye: y where a man is outlawed
for felony euery accion that he hath for
catelles

Nota.

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catelles, goodes, & enheritaunce, y right
 is extinguiſhed in his parſon, & he is not
 answerable, but if he purchaſe his char-
 tour of pardō & purchaſe other landes af-
 ter in fee, it is ſaide that his iſſue ſhal en-
 herite, but if his heire doe a felonye, & for
 the ſame outlawed in the life of hys fa-
 ther, and after the deathe of his father he
 purchaſe his chartour of pardon, yet hee
 ſhall neuer inherite, for that, y the blode
 betwixt him and his father at one tyme
 was corrupted. And note ye, that if a mā
 be outlawed for treſpas he ſhal neuer be
 answered in any accion parſonall vnto
 ſuche time he hath purchaſed hys char-
 tour of pardō, but in any plea real to ſay
 that he is outlawed for Treſpas, that is
 not to the accion, but to the parſō, as ex-
 cōmencement is. And note ye: that a mā
 ſhal not haue his chartour of pardon for
 parſonal treſpas allowed, excepte he ſue
 a *ſcire facias* out of the recoꝝd againſte the
 party, at whoſe ſuit he was outlawed oꝝ
 knowe wherfoze his chartour of pardon
 ſhould not be allowed and that is geuen
 by the new ſtatute of E. 3. An. 5. Cap. 12.
 ¶ And note ye, y if a manne be behedded
 for felonye by iudgement, the lord ſhall
 haue a writ of Eſcheit, and ſhal ſay y he
 was hanged, & it ſhalbe no trauers to ſai
 that he was not hanged, & that was iud-
 ged

ged in the parliament. An. 8. E. 3.

¶ Addicion.

In a writ of Escheite, the writte was p. 46. E. 3
challenged: toz that, that he supposed, y
he that made the felony helde of y father
of the demaundaunt whose heire he is,
where the writ shoulde be: *Quod de eo tenet*;
foz that, that after the death of hys aun-
cestour whose heire he is, he was tenant
to him because of the scigniozzy disceded
and not allowed.

If a man hold two acres of lande of a I. 14. D. 7.
man by seuerall seruises, and died with-
out heire, it is conuenient foz the lozde
to haue two writtes, and if a man holde
of me. x. acres of lande, and afoze the sta-
tute he make a feoffement of one of them
to hold of him by. vi. d. and died without
heire. I shall haue a writ of Escheit sup-
posing that he holdeth of me. ix. acres &
vi. d. of rent and yet in dede he holdeth y
land of me and the cause is foz that, that
they of the chauncerie will not graunt a
writ of any other fourme.

¶ In a writ of Escheite, it is no plee foz D. 2. D. 4.
the tenaunt to saye that he, that the dese-
daunt supposeth to be seysed, that he died
not seised of the land, but it is a good ple
to say that he dyed not his tenaunt, and
that iſſue ſhal be taken vpon that.

¶ And by the same reason may he saye, y sp. 37. D. 6.
he

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he holdeth not of him.

I.3.C.1.

In a writ of Escheit it is not convenient for the demandant to shewe in his declaration for what felony his tenant was attainted.

M.14.C.3.

And if he shew any recoꝝde to pꝛoue his attainer, and errour is in the recoꝝd, it is not material.

H.34.C.3

If my tenant be iudged to be hanged and after is deliuered to the ordinary, I shal haue a writ of escheite.

M.13.C.2.

In a writte of Escheit, the defendand may make discēt from his auncestour to hym.

H.33.C.3.

Note ye: that if rent seruice be gyuen in taile, and the tenant in taile discontinue in fee, and the tenant attourne and died wout heire, so that the land escheit to the discontinue his tenant in taile dyed without issue, the donour shal haue a writ of Escheit, and not a Formedon in the reuertour.

H.13.C.3.

I.11.H.4

By the oppinion of Barñ and Trew, that a writ of Escheit lieth not of rent, & that appereth in a writ de Eiectione custodie.

H.4.An.10.

H.6

In a writte of *Quare se intrusit maritagio non satisfacto*, the oppinion is that a rent lyeth in tenure.

M.16.C.1.

The lord and the tenant are, the tenant let his land for terme of life yelding certain rent, the tenant hath issue and died

dyed, the lesse payed to the heyre, and the heyre payd the seruices to the lord, as his tenaunt and make felony: for the whiche he is hanged, the lord shall haue a writ of Eschepte: for that, that he was seysed by the handes of hym that was attainted as by the handes of hys very tenant.

Note ye that if tre disseisly be attaynted of felony, the lord may enter in the land. **I. 6. R. 7**

A writ de Conuentione.

Rex vii salutem. Precipit A. q. iuste &c. teneat B. Conuentionem factam inter ipsum A. & S. patrem p̄dicti B. cuius heres ipse est de vno meo &c. vel sic inter J. patrem vel matrem, vel fratrem vel sororem, auunculum, amitam, vel consanguineum p̄dicti A. cuius heres ipse est, et C. patre p̄dicti B. cuius heres ipse est. Et nisi &c. tunc sum &c. teste &c.

A writ de conuentione. is such. **Proces**

This writte lyeth where couenaunt is made by indenture sealed betwixt two parties, and the one of them holde not couenaunt, than he that feleth hym greued shall haue the sayd writ. And also yf landes, or tenementes be lette for terme of lyfe, or for yeres by indenture, if the lesour put out the tenaunt, or if the tenant perfourme not the couenauntes, he that feleth hym greued, shal haue y sayd writ. And note ye, that no writ of couenaunte shalbe meinteined without writting. And the proces is Somons, Attachement and Distres, vntil the party come, for default

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of distress proces of brlawye. And þ wꝛite of Couenant may be pleaded in the countie, oꝛ befoꝛe the Iustices of the common banke, and may be pleded by thesame delaties, as a wꝛite of trespas may. And note ye: that a wꝛitte of Couenaunt lyeth not but betwixte those that are parties to the couenant, oꝛ theyꝛ heyres oꝛ theyꝛ assignes, as the wꝛit will.

¶ Addicion.

H.46.E.1

¶ Note ye, that thys wꝛit ought to be, þ the defendant ought to holde couenaunt of so much land, and not general as of al the landes let to hym, & the wꝛit of Couenant foꝛ leuying of a fyne, the wꝛyt shal be certayn of what lande.

M.47.E.2

¶ In couenaunt the wꝛitte was to holde couenant of a mesuage & .C. acres of lāde in þ. and the indenture was of all the lādes and tenementes in þ. the wꝛytte dyd not abate foꝛ the variaunce.

E.27.P.6.

¶ Note ye, that if a man leste landes in Wydd by indenture that are in another countie, yf the lesse be put oute, he shal haue thys accion of couenante where the lease was made, oꝛ in þ countie where the land is, notwithstandinge that the dede beareth date where the lease was made.

E.16.H.6

¶ Note by the opinion of the courte, that a wꝛyt of Couenante lyeth not of freeholde, if it be not of a speciall matter the
web

web, as if a disseisour let landes to me wth warrant & bind him by indenture, that if the disseisour enter and put me oute, than I shall haue a w^{rit} of couenaunt, but if the lessour or anye other y^e hath no ryght put me out, I shall haue a w^{rit} of Trespas.

Note ye: that in London a man shall haue a w^{rit} of Couenaunt without w^{rit}ing by the custome. T. 17. B. 6

A w^{rit} de Dedimus potestatem de fine leuanda.

Rex dilecto et fideli suo A. de B. salutē. Cum bñe nñm de conuentione pendeat coram vobis et socijs v^{ost}ris inter w^{os} & h^{oc} d^{ominu}m x. acris terre cū pertisi in A. ad finem inde coram vobis in eodem banco secundū legē leuandū &c. ac prefatus w^{ir} adeo languidus sit, & senio contractus: q^{uo}d bñe vestri ad diem in breui predicto contentum ab eis maximo corporis sui periculo venē non possit ad cogn^{iti}onem que in hac parte requiritur faciendū ut accipimus nos statim eiusdem w^{ir}i compacientes in hac parte dedimus vobis potestatem recipiendū cogn^{iti}onem quam predictus w^{ir} fac^{ere} voluerit in premissis. Et ideo vobis mandamus, quod ad prefatum w^{ir}um personaliter accedentes cognitiōem suam recipiatis. Et cum eam receperitis prefatos socios v^{ost}ros inde sub sigillo bñe distincte & aperte reddatis certiores: ut tunc finis inter partes predictas de terris predictis, in eodem banco leuari possit secundum legem & consue^{tu}di^{ne}m regni n^{ost}ri. Et habeas &c. teste &c.

A w^{rit} de dedimus potestatem de fine leuanda
is such

This w^{rit}te lyeth in case where two men are agreed to leuue a syne in y^e kinges courte. & the one of the parties is so sieble that he may not trauaile

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than he may purchase thys wryt out of
 Chauncery to one Judge, or to. ii. or mo,
 or to one seriant sworne to the kyng, re-
 hearfing how the wryt of couenant han-
 geth betwixte the parties, & he that hath
 pursued this wryt of *Dedimus potestatem*, is so
 feeble that he may not trauayle &c. for to
 make the recognisaunce betwixte them,
 and that the iudge in hys proper persone
 goe to the party that is so feeble to recceue
 the recognisaunce, and to certifye the iu-
 stices of the common banke, and whan
 they are comen with the recognisaunce
 into the court, than the sayde syne shalbe
 ingrossed and inrolled. And in thys wryt
 is no proces, but where such iustices hath
 receiued the recognisaunce in the maner
 aforesayd, and will not certifye theyr fe-
 lowes of the said recognisaunce, than the
 party that hath made the recognisaunce
 may haue a wryt directed to the same Ju-
 stices commaunding them that they cer-
 tifye theyr felowes of the same recogni-
 sance vnder theyr seales, and to haue an-
 other wryt directed to the Iustices of the
 common banke, that they receiue the said
 recognisaunce of them, as it appeareth
 by the Register.

¶ A wryt de Contributione faciēda.

A wryt de
 Contributio-

Rex et. Margarete B. bel balliuis Margare-
 te B. de A. salutem. Cum de cōi consilio reg-
 ni nostri

ut nostri prouisum sit: quod si hereditas aliqua, de ne facienda
qua vnica tñ fiat secta p hereditatē illa sicut prius is lych.
consueuē fuit ad hoc fiat debita contributio ad etus-
dem ac w. **A.** de **A.** castodi. **S.** scholarium de **A.** & ali-
is quā pluē vendidēt terras & teneamenta sua **A.**
de quibus vnica secta tñ ad curiam pdictā de **A.**
debetur: sicut idem custos nobis mōstrauit. vobis
precipimus: qd non distringet custod nisi pro portio-
ne libi & p̄fatis scolā contingent de terris & te-
neamentis p̄dictis ad superiorem sectam faciendā
ad curiam p̄dictam vel ad cū p̄dictū dñi nostri
de **A.** contra formam prouisionis p̄dicte testē.
et.

CA w̄it de Assisa Noue dis-
seisine.

Rex bñ salutē. Quēstus est nobis **A.** quod **B.**
inuēit & sine iudicio dñs eum de libero tene- **A** w̄it de
mento suo in **A.** post primā transsē domini **B.** re- assisa noue
gis filii regis **A.**ohis in **A.**oscoff. Et ideo tibi p̄ci- disseisine
pinus quod si p̄dictus **A.** fecit te secū de clam is lych
suo p̄oc tunc facit teneamentū illud relesit de catall:
que in ipso capt fuerunt et ipsum tñ cum catallis
esse in pace vsque ad proximam assisam cum iustic
nostri in ptes illas venierint. Et interim fac. xii.
liberos et legales homines de vñ illo videre tñ
illud sūm quod sint coram p̄fatis iustic nostris
ad p̄fata assisam parati inde facere recogn. Et
pone per vad et saluos pleg. p̄dictū **B.** vel balli-
uum suū si **B.** ipse inuentus non fuerit: quod tūc
sit ibi ad illam recogn. Et habeas ibi sūm nomina
pleg. hoc breue teste et.

CA The patent of the same w̄it.

Rex et. Dilectis et fidel' suis **A.** **B.** & **C.** salu-
tem. Sciatis quod constituimus vos Iustic
nostros vna cum hiis quos vobis alloē ad assisam
Noue disseisine capiendū quam **A.** arrā coram vo-
b̄.
P. iii.

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his per breue nostrum versus B. de tenemento in
I. Et ideo vobis mandamus: quod ad certos diem
 et locum quos ad hec p[ro]videritis assisam illā ca-
 piatis facturi inde quod ad Justici[um] pertinet secun-
 dum legem et consuetudinem regni nostri saluis
 nobis amerciamētis inde p[ro]ueniētib[us] **¶** And
 enim v[er]o n[on]o **S.** q[uod] ad certos diem & locum quos
 ei Scire facias assisam illam coram vobis Venire
 facias. In cuius rei testimonium has litteras no-
 stras fieri fecimus patentes teste &c.

Thys wytte lyeth where a man is dys-
 seised of hys frē hold. s. of landes tene-
 mentes, rentes, common of pastures o[re]
 suche lyke that he holdeth fo[re] tearme of
 life, f[or] taye o[re] f[or] symple, o[re] where he
 hath land o[re] tenemēt that is deliuered to
 hym by vertue of a recognisance of h[is] sta-
 tute marchaunte, o[re] by the statute of the
 Staple, o[re] by Elegit, as it appereth by h[is]
 statute of marchautes, o[re] by the statute
 of the staple. An. 27. C. 3. Ca. 9. And by h[is]
 statute of West. 2. Ca. 18. thā the disseyse
 shall haue h[is] sayd wytt agaynst the dissei-
 sour, o[re] agaynst whosoever is in possessi-
 on (liuing h[is] dysseisour) and it is necessa-
 ry h[is] the disseisour be named in the wytt
 o[re] otherwys the wytte shall abate, and
 that is geuen by h[is] same statute of West.
 secōd. And note ye, that if the Gardeyne
 o[re] the chiefe lo[rd]e make a feoffement to
 any man, of the lande that is of the heri-
 tage of hym that he hath in warde to the
 dissen

disseueritaunce of the warde, the warde
 mayntenant may haue the sayde wytte,
 and whan the land is recouered, it shalbe
 deliuered by the Iustices to the next frēde
 of the infant, to whome the heritage may
 not dyscende, and to aunswere the heyre
 of that profite of the lande whan he co-
 meth to hys full age, as it appeareth by
 the statute of Westmynster. 1. Capi. 47.
 whiche begynneth. Si Gardeyn &c. And
 loke the statute of West. 1. Ca. 36. which
 begynneth. Puruen est ensemēt & accoꝝd
 &c. how a man shalbe punished foꝝ dissei-
 son with robery. Also if the Escheytour,
 Shirife, oꝝ bayliffe of the kyng disseisye
 any man by colour of hys office without
 speciall warraunte oꝝ commaundement
 of the kyng: the dysseisye maye recouer
 by the sayde wytt, and recouer double da-
 mages: as it appeareth by the statute of
 Westm. 1. Capitulo. 24. whiche begyn-
 neth. Puruen est ensement que nul Es-
 chetour &c. And in what cases that thys
 wytt lyeth, looke the statute of Westm. 2.
 Capitu. 25. which begynneth. Quia non
 est aliud breue &c. And howe and in what
 tyme this wytt shalbe takē, & loke the sta-
 tute of West. 2. Ca. 30. which begynneth:
 Assignemēt de cetero duo Iustic. &c. And
 in Magna Carta. Cap. 12. which begyn-
 neth. Recognitiones de Pouel disseison.

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And looke the newe statute of E. 3. An. 2. Ca. 2. & 6. And in y^e statute of Fines. Ca. 4. which begynneth. Item cū statuimus &c. And in the statute of Poike Capit. 3. which begynneth. Quod cōe sil soit cōtūs &c. And the proces in thys writ is Attachment agaynst the party, Somons, Habeas corpeza & distress agaynst the iurours vntill they come. And note ye: that free holde is called, where a man holdeth land oꝝ tenement in fee symple, fee taylor, oꝝ soꝝ tearme of lyfe at the least.

Addicion.

26. h. 6

In a wyle the writ was *Pone per radium & saluos pleg. predicti J. vel ballium suū, q̄ sit sibi auditur. &c.* where it shoulde be q̄ tunc sit ibi, and the courte was in op̄iō to abate the writ, wherfoze the pleinrife was non suite.

An. 44. li. af.

A wyle was brought by the husbāde & the wyfe, the parties wer at issue, but not of the poynt of the wyle, and was found foꝝ the pleyntifes how the wyfe was disseised afoze the mariage, & that the housband had nothyng, so the writ was false disseisuit eos, and notwithstanding the playntife recovered.

An. 24. E. 3

lib. af.

Placito. 9.

If there be. iiii. ioyntenantes, & ii. disseise the other. ii. all foure brought a wyle agaynst. ii. of them that wer disseisours, and the writte was disseisuit eos: so the writ

Writte supposeth that the two disseisors disseised themselves, & notwithstanding the writ was awarded good. And if. ij. ioyntenantes are disseised by a stranger, and after the one come to the tenancy by purchase, if the other will recouer, it beho- ueth that bothe be named, for that, that þe wordes of the writ may be true & dissei- suit eos. But whan one ioyntenant put- teth oute the other, this worde disseiuit eos is false, for the one maye not disseise hymselfe, therfore he shall haue a writ in his owne name.

¶ In a lise, the tenant sayde y the playn- tife is hys byllayne. Judgement &c. the playntife sayd that he was free &c. and it was founde that he was free, but that he was neuer seyled of suche estate that he myght bee dysseyled, the playntife sayde: we are at issue out of the poyn- te of a lise that is founde for vs, therefore they nede not to enquire but of the damages, and after it was awarded that he should take nothyng by hys writ.

¶ And note ye that a lise maye be taken Nota. in. iiii. maners. s. at large, in the poyn- te of a lise, out of the poyn- te of a lise, & ryghte of damages. A lise at large, is whan an infante byngeth a lise & the dede of hys auncestour is pleaded, thā thā lise shalbe taken to enquire at large, that is to saye, if

A. N. P. 3
Li. G.

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if hys auncestour was of full age, of good memoꝝ, & out of pꝛison whan he made hys dede. Assyse in poynnt of Assyse is, whā the tenant pleadeth no wꝛong noꝝ no dyssession. Assise out of poynnt of assyse is, whan the tenaunt pleadeth a fozeyn release, oꝝ fozeyn matter tryable in another countie, than the Judges shall put the recoꝝde in the common place to trye thys fozeyn plē, & whan that is tryed, they shall sende agayn the assyse. And in ryght of damages is, whan the tenant confesseth a putting out & demurreth in law, the whiche matter is iudged agaynst hym, nowe the assyse shalbe takē in ryght of hys damages.

An. 8. C. 1.

[N]ote ye, if the Gardeyne of an infant take a feoffment of the infant beyng in hys warde, the infant shall haue assyse & the Gardeyn shalbe iudged a dyssessor & committed to pꝛison if it be found.

[N]ota.

[I]f my tenant be attaynted of felonye, & the kyng graunt the yere and the day to a straunger, if the straunger be disseised, I shal haue assyse, by al the court. And note ye that seyson of fealtie is no seison of the rent wherby he may of that haue assyse.

H. 44. C. 2.

[I]f the tenant plede a plē in barre, and the playntife make tytle and trauers the barre, thoughe the tytle of the playntiffe be false, yet the tenaunt shall not haue auauntage to take the assyse vpon hys tytle, but

but he shalbe charged to maynt hys bar.
Oherwyle is where if the playntif make
to hym a tyle, and answer not the barre.

¶ A mā may be tenant of the rent by hys
disseison, as if he leuie the rent of my te-
nautes by coercion of dysces, but if h
tenaunt paye to hym the rent of hys good
will, that shall not be intended the rente
that I ought to haue, but another rēt, for
by such payment without other thynges
doynge, I shall haue no assyse.

¶ If rēt discend to me after y death of my P. 49. C. 3.
father, and afoze the day of payment of y
rēt, y tenāt putteth me in seison of y rent
by an ore, thys seyson is not suffyciente
wherof I may haue assyse, but if he paye
to me a peny as parcel of my rēt notwōstā-
ding y it be afoze y day of paiment of this
possessio I shall haue assise, but if I reco-
uer rēt & afoze y day of payment, y thirife
put me in possession of the rent by an ore,
of thys possession I shall haue assyse.

¶ A writ de Redditiōe.

Rex viē salutē. Mōstrauit nobis A. qd cum ipse A writ of
in curia nostra corā Iustic. nris tñ &c. vel co- Redditiōis.
rā dilect & fidel nris R et E. Iustic. nris ad assisas luch.
in com L. capicō assisā p bte nrm recupauit sū suā
versus B. de x. acris terē cū ptiū in A. p recogn as-
sise Ro. disseisiōi ibi inter pfatos A. et B. capē pfad
B. ipsum A. de ead terē inuēlle disseisiō. Et ideo it-
bi pē qd assūptis tecū custod placit corone nre &c. xii
tam mltū qd aliis liberis & lega. hōmib de com tuo
tam

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Et de illis qui in prima iurata fuerunt quam in propria persona tua accedas ad potestatem et per eorum laqueum diligenter facias inde inquisitum. Et si ipsum A. per predictum B. de predicta terra interum iniuste disseisium inueniris tunc ipsum B. captum in prisonem nostram saluam custodiam facienda quod a prisona illa nullo modo deliberet sine mandato nostro ipsam et ipsum A. de predicta terra releasire et dampna sua in duplum que actione illius reddidit. sustinuit per sacrum predictum. xlv. taxari de terris et catallis predicti B. in balia tua sine delatione fieri et eandem A. habere facere iuxta formam statuti W. de huius reddidit. prouisum. Et sic facere prefatum B. quod inquisitione illi faciendum intulit si tibi videre expediret, teste etc.

This writ lyeth in case where a man is disseysed: and he hath recovered by assyse, and is put in possession by the shirife and after that is disseised by the same disseisour, he shal haue this writ of Reddisseison against him, & that is geuen by the statute of Marton Ca. 3. Whiche begynneth. Si quis diss. &c. And by the statute of Marl. Cap. 8. whiche begynneth. Illa autem qui prosterata disseison &c. Where it is sayde, such persones are not repleuisable.

Addicion.

If a man recouer in assyse agaynst a woman sole, and after she put hym out, & take a husband, the writ of Reddisseison shal not suppose that he hath recovered against the husband and the wife, but the writ of Reddisseison shal suppose per Reddisseison

disseyson to bee made by the wyse, whan
he was sole, and the husband shalbe na-
med because of the mariage.

Note ye: that vpon a reconer in assyse **§. 14. C. 2.**
of freshfoze, a man shall not haue a writ
of reddisseison.

But it is thoughte y a man shall haue **§. 14. C. 3.**
a reddisseyson, and poss disseiso in Londo
where he recovereth by a writ of righte, &
maketh his protestacion in nature of as-
syse, for there is cozoners.

Note ye: that if .I. reconer an acre of **§. 8. C. 2.**
lande in D. by assyse, to whiche there is a
comon in S. belongyng, if .I. be disseysed
of y comon. .I. shall haue a reddisseison.

A writ de poss disseisine.

Rex viē salutē. Monstrauit nobis A. quod cum
ipse in cū nra corā dilectis et fidelibus nris **A writ de**
et locis suis iust ē nostris de hanco apud w. **Post. diss. is**
recuperasset sām suam versus S. de .x. acris terre **luch.**
cum pte in .I. p. con sideracionem eiusdē cū idem
B. prefatum A. de predicta terra poss modum in-
iuste diss. Et ideo vt supra sed non dicatur tamen
de illis qui in prima iurata fuer: quam de aliis vs-
que interim poss modum iniuste ac. vt s: semper di-
cat poss dissia in loco dissie. vrs. Telle. &c.

This writ lyeth as is ordeyned by the
Statute of Marten vppon a reconere
in assyse of Nouel disseyson, and by the
Statute of West. 2. Capitu. 26. whyche
beginneth. In breuibz de redd. &c. that
a man y hath reconered by assise of Mort-
daunce,

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daunceffour, or by other Sure, or by default, or by reddicion, or by anye maner enquest. And if he be put out of ysame tenementes by thesame person agaynst whō he hath recovered, thā he shal haue a possesseison, & not a reddisseiso. Also if these tenantes, by Elegit, Statute Marchaunt, Statute of y Staple be disseised, they shal haue a writte of Reddisseison, but in case y a man me disseise, & after I recover by assyse, & am putte in possession, & thesame disseisour with another straūger put me out of thesame lande, in thys case I shal not haue a writ of Reddisseison, for ther is a tenant of parcell, y was not party to the assyse, therfore I must haue a new assyse. And in case that the disseisour be disseised, & a writ was broughte agaynst the second disseisour, he shal aunswer of the damages, for hys own possession, but the statute of Gloc. Ca. i. speaketh not but in case where the disseisour hath sold.

¶ And note ye: whan a man arreygneth assyse of Nouel disseison of a rent charge, it is conueniēt that all the tenantes of the tenementes charged be named in the assyse & all the lād charged put in view, not withstanding that he was disseysed but by one tenaunt, but otherwyse is of rent seruice. And note ye: that all assyses of Nouel disseison, Mortdaunceffour that goeth

goeth into the countye, are retournable in the commō banke, & if the kynges bech be in another couētie than y comon banke is, than all the assyses of Pouel disseison shalbe afoze the Iustices of the banke, & afoze the kyng shalbe put a certayn dave as vsq; ad diem Junij in. xv. &c. but in the Mōrtauncestour comon day mape a mā hane, as in other places, but in assyse of Pouel dysseyson afoze the Iustices, and afoze the kyng, a man may put a day out of the tearme, as vsq; in diem Iouis Post festū scē Lucie, & geue day of. liii. dayes afoze the kyng, and that will the statute Articuli super Cartas. Ca. 15. And in assyse of Pouel disseyson a man ought not bouche no man if he be not named in the writ or be present in court whē he is bouched, but in a writte of Mōrtauncestour a man may bouche at large.

¶ Addicion.

¶ If a mā recouer lād by *Scire facias*, by des. T. 15. H. 7 fault, if he be disseised by y same mā after ward, he shall hane a Post disseison as well as if it wer in a *Precipe quod reddat*.

¶ If a mā recouer lande in balne, & after a 5. R. 2 is put oute by the bouche, the tenant shall hane a Post disseison, vt patet per registrum.

¶ A writ de Documento.

Rex dic. salutē. Questus est nobis A q B. intu: A writ de Re et sine iudicio prostravit vel leuauit quod Documentum is lach.

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dam fossatum in A. ad Documentum tenenti sui
in eadem villa, ut nō potest transire &c. Et ideo tibi
preceptum quod si predictus A. fecerit te securum &c. tunc
fac. xii. liberos et legales hoīes de vñ illo videre
fossatum illud vel stagnum illud et tē et nomina
eorum in breuiari. Et sum illos per bonos &c. quod
sint coram iusticiis nostris ad pñ ass. cum in partes
illas venerint parat fac. recogn. et pñ per badiū
et saluos plegios predictum B. vel baltūm si ip
se inuentus non fuerit: quod tunc sit ibi aud. illam
recogn. Et habeas ibi sum nomina pleg. & hoc bre
ue teste &c.

Thys wrytte lyeth where a man leueth
or maketh a house, and walle, or gut
ture in hys lande, or any such lyke to the
nufance of the freehold of hys neighber,
than he to whome the nufance hath been
made, shall haue the sayde wryt. And also
if he that made the nufance sell the land,
whereof the nufance was made to a stra
nger than chassye shalbe brougt against
both. s. agaynst hym that made the nu
fance, and agaynst hym to whom the lād
is solde, & that is geuen by the statute of
Westm. 2. Ca. 24. which begynneth. In
quibus casibus &c. before whiche statute
assye of nufance did not lye, but onely a
gaynst hym that made the nufance. And
the proces is as in assye of Pouel dissei
son. ¶ And note ye: that if the nufance be
made in one countye and the teneiment is
in another countye, than the wryt shalbe
brougt in that countye where the nufance
was

was made. And also if the assise of nouel
dist. be arreigned in one countye & of the
same tenementes another assise is arreig-
ned in a nother coũty, a man can pleade
nothing but suffer bothe assyses to passe
and if thei say both that these tenements
are in one countye, then it is well, and yf
they vary so that the one saye, that the te-
nementes are in one countye, and the o-
ther say that thei are in another countye,
thā he ought to cause al þ assises to come
afoze the king, and that was iudged. An
6. E. 3. betwixt Rycharde Clefforth, and
Henry Fitz Hugh. And note ye: that in
many cases assyse of Nuisaunce lyeth as
it appeareth by these two verses.

*Fons stagna sepsque via deuersus cursus aquarum,
Poscunt assisim mare atum feris bancum.*

A writ de Baruo nocumento.

Rex hic salutem. Quisius est nobis A. & B. in A writte de
iuste & sine indito leuauit quandam fabricā Baruo nocu-
in A. ad nocumentū iheri testis sui in eadem bu- mento is such
la post pñt transsit &c. Et ideo tibi pñt: q loquelā
suā audias et postea eū inde iuste deduc fac. Re
amplius &c. pro defectu iusticie. Teste. &c.

This writ lyeth, wher a myl, oz such
lyke is leuyed to the nusaunce of hys
neighbour, he to whom the nusaunce is
made shal haue the said writ, and it is bi
countile, and pleadable in the countye.
And this writ may be remouable out of
the countye into the comon banke at the

A. i.

Suit

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saist of the pleyntyf without cause in the
wzpt, and at the sute of the tenant with
cause as in the *Pone de aueris repleg*. And her-
of may be made a wzpt of Execucion of
iudgement if nede be, but if he that made
the nulance dye afoze the assyse purcha-
sed, then he to whom the nulance was
made, oꝛ hys heyre shal haue a wzpte of
Quod permittat agaynst the heyre of hym
that made the nulance. And so a *Quod per-*
mittat lyeth al tymes in place of a wzpt of
Entre grounded vpon disseisō, oꝛ abate-
ment, after the deathe of hym that made
the nulance. And note ye: that there be o-
ther wzpts that are called lytle wzits of
disseisin that are vicountiel, and pleada-
ble in the county afoze the shirif that are
De domo iniuste leuata vel prostrata et
consimilibus, bt patet per registrū, and
what maner of nulance are pleadable in
the county it appereth by these verses.

¶ Fab, fur, porta, domus, vir gur mole murus, ouile.
Et pons, tradantur hec vicecomitibus.

¶ Addition.

D. 21. C. 3.

Two coperceners are seissid of a med-
dow and a mil, & they haue a way frō the
mil vnto the water of the same myl ouer
the medow, & they make p̄ticion so ȳ the
myl is allotted to the one copcener and ȳ
medow to the other, & vpon the particiō
it is

It is agreed that he that hath the mill shal haue the way to the mill ouer y medowe, if the other to whom the medow is allotted leaue a ditch in the medow wher by he is put out of his way he shal haue assise, for he may not haue the profit of the mill without the way, wherfore thacord is good without wrytyng, as rent reserued vpon a particion without wrytyng. &c.

Note ye: that if a man ought to repara I. ii. B. 4.
a bydge, ouer which I haue a waye belonging to my maner of Dale, and he y ought to repara the bydge, make no reparacio, wher by I can not haue my way I shal haue an accion vpon my case, and not assise, for wher a man ought to make a thing & makes it not, I of his lathes shal not haue assise, but wher a man maketh a thing by maynour, or leuyng or esloppng, in such case I shal haue assise. &c.
If a man be holden to scour a dicke, that the water may haue course, & he make it not wher by my medow is surrouded, I shal haue a wryt of trespass, but if he stop that, that is binclused I shal haue assise.

Rex vobis salutem. Si A. fecerit te. &c. tunc cum A writte de
ec. xxiii. legales homines de visio de A. p. sint A. trincta is
coram Iusticiis nris apud w. tali die, vel ad primam assis- such.
tam &c, parati s. to recognoscere si ius per quas
quedam inquisitio nup capta fuit coram Iusticiis nris
apud w. p. breue nrum &c, q. fuit inter A. p. tent, et
B. tenet: falsum fecerunt factum sicut idem A. grauit
A, ii, nobis

Natura: Natura *Basen?*

nobis cōquerens monstravit. Et inter im diligēt
inquiras qui fuerūt inratores, per quos inquisitio
capta fuit. Et eos habeas corā p̄fatis Justic.
ad p̄fatum terminū vel ad p̄fata assilā. Et sum
per bonos sum p̄fati B. q̄ tunc sit ibi auditū il
iam recogn. Et habeas ibi sum noia p̄dictorum
hominum, et hoc breue, Teste. &c.

This writ lieth wher an enquest hath
made a false verdyte wherof they be
attainted by this wytte they shall haue
such payne. s. their medowes shalbe pea
ried, and theyr houses pulled down, and
theyr woodes destroyed, and al theyr lan
des and goodes forfayted to the king, but
if the writ passe agaynst him that byn
geth the writ, he shalbe imp̄ysoned and
grevously ransomed at the kings plea
sure. And the proces is agaynst the p̄tye
Somons, and resomons. And agaynst
the p̄tye Jurours, *Venire facias*, and a dy
stres. And agaynst the graund Jurours.
Somons *Habeas corpora*, and distres. And
in how many maners a man maye haue
attaint, looke the stat of Westm. i. ca. 37
which beginneth: *Pur ceo q̄ ascū gentes*
&c. that a man shal haue attaynt in p̄lee
of lande, or of a thing that toucheth free
hold. And now bi the new statute of An.
i. c. 3. ca. 6. is ordeined the attaint shall
be graunted in a writ of trespass, as well
bp̄ h̄ damages if they passe. xl. s. as bp̄
the p̄ncipal. And also the statute made

An. i.

An. 1. C. 3. ca. 7. that attaint is aswel in ple parsonal as in ple real, & to be graunted to pooze men withoute fyne, and the Chaunceler hath power to graunt thys wꝛit without suynge to h̄ king. And that the Justices let not in no case of attaynt delay to take the attaynt for h̄ damages not payed. And by the stat made at west.

An. 1. C. 3. Cap. 7. in the end, a man shal haue a wꝛit of Attaint in ple of Trespas moued afore Justices that are of record without wꝛytte, if the damages iudged passe. xl. s. And after bi the statute made in the time of the same king. A. 28. ca. 8. a wꝛit of attaint shalbe graunted aswel vpon a byl of trespass, as vpon a wꝛyt of Trespas, hauing no regard to the quantity of the damages. And also the attaint shalbe graunted to poze mē ȳ wil sweare ȳ they haue nothing whereof they maye make fine, sauing their countenance w̄out fine, as to other by a resonable fine. And by the statute of An. 24. C. 3. Ca. 7. And also by the statute of A. 9. R. 2. ca. 3. is giuen ȳ he in the reuerció lynynge his tenāt for terme of lyfe shal haue attaint.

¶ Addicion.

Note ye: that a wꝛytte of Centre was brought in Sulser, & the tenant pleaded the dede of h̄ auncestour of the pleintiffe made in London, whyche was denyed,

D. iii. and

M. 18. C. 21

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and found of the pleintyf in Londo, and
vpon that the tenant bzought attaynt in
London to somon. xxiij. and to attache
these. xij. and anohet w^zit to the shyrif of
Suller to attache the partye, where the
land was, and the w^zyt that was dyrec-
ted to the shirifes of London was chal-
lenged for that, that it is not compysed
in y^e w^zyt that the party shalbe attached
and not allowable for in a newe case a
newe remedy shalbe p^{ro}vided.

pp. 21. b. 6.

Attaint was bzought against J. S. as
sonne & heyre vpon a false verdit gyuen
berwirt the pleintif, and the father of the
said J. S. in *Precipe quod reddat*, and the w^zit
was challenged, for that, that it is not p^{ro}-
ued bi the w^zit that he is tenant, and for
that, that euey attaint in him selfe is so-
mons, the w^zit ought to haue ben, Sum
one suche, and not allowed, for the w^zyt
shalbe bzought against the father w^out
any sowons agaynst him, for that, y^e the
law intendeth that the tenancy cōtyn-
eth in him, and this accion is formed bp^o
on the first record, & by the same reasoⁿ it
shalbe intēded that it discend to y^e heyre,
and that he is tenant, wherfore answer.

pp. 22. c. 3.

One y^e was vouched bzought attaint a-
gainst those y^e passed vpo a dede denyed,
& the w^zit wil that one J. S. tenant vou-
ched to warrant & the w^zit was abated,
for

for that, that the writ supposeth not that the bouche hath a warrant of the tenant by expresse wordes, yet it is supposed by these wordes *Plitando protulit* that he hath a warrant, but that, that it shoulde be put in the writ by expresse wordes maye not be mainteined by supposel.

Note ye: that one may haue attaynt, a writ of Error, and disceit afore execution, for the myschief that he wil not sue execution vnto such tyme that the petiture, or somoners & beiaours be dead, and then to sue execution when he maye not haue the accions, and of thys myschiefe he shal haue them afore execution. P. 21. C. 3

If a writ be awarded to the Shiris by default to enquyre of wast, it is sayd that the parties shal haue theyr challenge afore the Shiris & also attaynt, if the Iure make a false verdit, or non credo. *Quere Quere.* En. 10. B. 4.

Note ye: y no mā shal haue attaynt in appele of maihe, nor in any other appele of felony, or of the death of a man.

Note ye, that yf a manne bee indited of trespas, and found gyltye by another request, he shal not haue attaynt, for that that. c. iiii. hath found hym gyltye, and both the verditēs agree. Nota.

In trespas against. ii. the one appereth and is found gylty by one enquest, & the other by another enquest, he y was found gyltye P. 44. C. 3

D. iiii.

gyltye

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gilty by the latter enquest shall haue attaint notwithstanding y he is a straunger to that, for that, y he is in dammage by that, for the first enquest shall take the damages, and not the seconde enquest, & of those damages he shall haue attaint.

R. 26. H. 6.

Attaint was brought, & he assigned y false verdict to be in. ii. thinges, where as it appereth to the court that he hath no cause of accion, for the one, & by the aduise of all y Justices, it was holden, that the party shall be barred of that, and the remenaunt to stand in his force.

W. II. H. 4.

The iudgement in attaint is whan it is founde for the pleintif, that the verdict is false, the iudgement reherseth the pointes. &c. we alwarde that the pleyntif shall haue againe hys lande and those damages that he lost in the Assise, and the profits had in the meane, time and that the nant shall be taken and the petit in re shall lose fre law, and their goodes forfayted, and their tenementes destroyed, and all their landes and tenementes seised & their medowes ayzed & their woodes destroyed their wives and infantes of their houses put out, and that they shall be taken.

¶ A writ de Certific. nous disseisine.

**A writ de certificatione
nons
disseisine**

Rex vobis salutem. Quia super quibusdam articulis noue disseisine contingentibus inter A et B cum fuit et capto apud J. per breue nostrum coram dilectis et fidelibus nostris H. & B. de testio i J. quidam

quidam subsunt dubitationes sicut ex querela ipsius J. accepimus, constituimus prefatos H. & R. iustic. nro sbna cum hiis, quos, sibi alloc. ad certificationem super articulis predictis capiend. Et ideo tibi prec. qd ad certos diem et locum quos eidem H. et R. tibi Scire facias iuratores illius assise coram eis Venire facias ad certificand super articulis predictis. Et sum per bonos sum predict J. qd tunc sit ibi auditurum illam certific. Et habeas tibi sum nomina iurat et hoc breue. &c.

This wryt lyeth where assise is brought agaynst a man, and he answered by baylye, and the baylye cometh into the courte excusinge the absence of hys mayster, and pleade in a batement of the wryt or sayth no wrong, ne dysseisin, for he may not pleade anye release, or wrytyng in barre of accion, then if the tenat lose in his absence by assise, if he hath anye release or other wrytyng that wyl make for hym he maye come afore the same Justices, afore whō the assise was taken and shewe his right by release, or other wryting, and if the Justices may se that the pleintif in the assise might haue bene excluded of assise, if the said release or wryting hadde bene shewed afore the iudgement in the assyse gyuen, then the same Justices shal send a *Scire facias* to the shirif of the county where the assise was arreigned, that he warne the party that first recovered to be afore them at a certain day. And also that he shal cause the

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fy2st iurours to come y was first swo2n
in assise, & then if it may be found by ver-
dit of the Jurours o2 by inrolment, that
the said w2ytinges are true, that he that
purchased the said assyse shal yelde dou-
ble damages, as it appereth by y statute
of West. 2. Cap. 25. whyche begynneth:
Quia nō est aliud breue. &c. And in case
that the Justices o2 anye of theym afore
whom the sayd assise was first takē oye
o2 be remoued, than the party if he haue
any release, as afore is said mai haue the
sayd certificacion, whych shalbe patent
directed to the newe Justices reherlyng
al doutes touchynge the assyse that was
taken afore the first Justices cōmaun-
dyng them that they take the sayd certi-
ficacion at a certaine day & place, & ouer
that a Precipe directed to the Shyrife of the
same county, y he somon the same party
that fy2st recovered. And also y he cause
the first Jurours of the assise to come a-
fore the sayd new Justices at a certaine
day & place, to certify the said Justices of
the sayd doutes as it appereth by the re-
gister. And also this certificacion maye
be takē in the kings bench, o2 in the com-
mon place, & then no patent shalbe made
as is in assyse of Pouel dis. bi which cer-
tificaciō, aswel in the one case as in the
other, the iudgement shalbe reuerled, &
in

in case that the party be warned, & come not at the day assigned, he shal loose the lande by defaute. And if he come at the *scire facias*, the plee shal passe betwixt them and if he that recouered by assyse can no thing say against the release, then the tenant that lost by the assyse shal recouer. And the Proces is agaynst the Jurours *a venire facias*, *Habeas corpora* and dysres infinite, but thys wytte lyeth, but where it may be found by recozd, and bi the rolles, than the request that passed in assyse speak nothing. nor made mencion of the release or other wytyng in theyr verdyte, but if then request make mencion of the release, or of theyr wytyng, and they gyue false verdit notwithstanding the release then the party against whom thei passed may haue attaint again the iurours. And yf the Justices gyue false iudgement wher these iurours made mencion of y release, & putteth their verdit upon the iudgement of the Justices, and y may be found, the said parti may haue a writ of errour and the iudgement shalbe reuered. And if it be found that the release is good, the partye shal recouer, and yf not the other shall holde in peace, and that is gyuen by the statute of Westm. 2. Cap. 25. whiche begynneth: *Quia non est aliquod breue &c.* And in case that the assise passe
in ab.

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in absence of the party, and after the party cometh, & shewe to the Justices and release as is aforesaid, & the Justices delay to do after the said statute, then the party may haue a writ directed to the same justices, in which writ the said statute shal be rehearsed, commaunding them that vpon the sight of the said writ that they make full Justice to the foresayd party, as it appereth by the Register. And this writ in this case shalbe in place of a certificaciō. And note ye: that by the same statute if y party defendaunt in assise of Nouel disseison alledge in delay of the party plaintife, that assyse another tyme passed betwixt the same parties of the same lādes or that the said party pleintyf was nonsuit in a writ of higher nature hanging betwixt the of the same tenemēt, or that the said pleintif was nonsuit in such like writ, and profereth to verify that of record, in this case if the same party fail at his day of the record, he shalbe iudged as disseisour, without trial of y assise, & the assise take in the right of y damages. &c.

¶ Addicion.

¶ If a recouere be in assyse, and after the tenant in the assise sue a certificaciō vpon a deede, and a *Scire facias* agaynst the partye that recouered to be at a certaine daye. &c. and a *Venire facias* in the same writ

wzpt agaynst the. xii. Jurours that was
swozne in the assise, and the shirif retur-
ned y^e twoo of the Jurours are dead, q^rs **Quere.**
if he shal haue a certificacion o^r not: for
that, that the statute is, that it shalbe try-
ed by the first Jurours, but not by al the
Jurours, and it was sayd that ther was
a certificacion at the comon lawe afoze
the iudgement giuen if the matter be by-
on a dede bearyng date in a foreyne cou-
ty, it shalbe tried bi other, and not by the
first Jurours. 12. H. 4.

**¶ A wzpt de Avisa mortis
antecessoris.**

Rex v^{ic} salutem. Si A. fecerit te. &c. tunc cum A. vizit de A-
visis mortis an-
tecessoris
q^r sint corā &c. tali die &c. parati sacro recogno-
re. Si B. sen pater predicti A. fuit situs in domi-
nico suo: vt de feodo de vno mes. cū pertiⁿ in A.
die quo obiit. Et si obiit post coronationem domi-
ni H. fil regis Johis &c. Et si idem A. propinqui-
o^r heres eius sit. Et interim predictum mes. vi-
deant & nomina eorum in breuiat fac. Et cum p
bonos sum predictum B. qui mes. predict tenet q^r
tunc sit ibi aud illam recogn. Et habeas ibi sum,
et hoc breue. Teste. &c.

This wzpt lyeth where my father, mo-
ther, brother, syster, vncl, o^r Aunt di-
ed seysed of landes o^r tenementes, o^r of
rent, that they haue in fee symple, and a
straunge abate, than I that am next heire
shal haue this wzptte agaynst the abba-
tour, o^r agaynst whosoever that is in
posse-

Natura

Proces

possession, after the death of myne aunces-
four. And the proces is in thys wyzt as
it is in a *Iuris utrum*. And note ye that if an
Infant be inwarde of his lord, and after
he cometh at his ful age, the lord wil not
yeld to hym hys land without plee, then
the Infant shal haue this wyzt and that
is gyuen by the statute of Mart. Cap. 16
whiche beginneth; *Si heres aliquis. &c.*
but if he be of full age after the deathe of
his auncesfour, & is in hys heritage, and
knownen for heyre, & the lord entre upon
the heyre, and hold hym out than he shal
haue the foresayd wyzt, & recouer dama-
ges, as in assyse of Novel disseisin. And
note ye: that by the statute of Glouc. ca. 6
it is ordeined, that if a man dye seysed of
certayne landes or tenementes in fee sim-
ple and hath mani heires, wherof one is
sonne, doughter, brother, sister, neuewe
or nece, and the other be in no moze long
degree, if a strainger abate al those heires
together shal haue the foresayd wyzt but
if the heyre be not one of them aboue na-
med, they are put to thei2 wyzt of Ayle,
or Cosinage as thei2 case lieth. And note
ye: that if an Infant purchase a wyzt of
Mortdauncesfour, he ought to fynde no
surety, & for y he shal not sai in this wyzt
si talis fecerit secur. &c. And note ye: that the
statute of Westm. 1. Cap. 22. whych be-
gynneth

gynnerth: Des heres maries. &c. that if a ny lord wythholde these heyres females vnto. xvi. yere vnmariyed, because of couetousnes of the lande, than the heyre may recouer her heritage bi the foresaid wypt of Woztd. And note ye: that a man may haue a certificacion and associaciō to the sayd wypt.

¶ Addicion.

Note ye: that a wypt of Woztdauncefour was of a comon fourme. In domi nico suo vt de feodo die quo obiit: and the tenāt sayd that his auncestour of whose death he byngeth thys wypt went ouer the sea toward saynt James: the whych auncestour is not yet come agayne, therfore the wypt shal say: *Die quo iter.* &c. wherfore the wypte was abated, and the demandant wold haue auerred the death of hys auncestour, and coulde not be receined, for that, that another wypt is giuen in the case.

W. 16. C. 21

The wypt of Woztd. was Sum. xii. &c. de visū bill de Dale &c. parati. &c. si obiit seissitus de octo pedibus terre in longitudine, & vi. in latitudine, & duabus partibus vnus mesuag. & medietate ptiū vnius mesuag. in villa de Dale. &c. interim mess. terras & tenementa videant. And y wypt was chalenged: for that it was De octo pedibus. &c. for it ought to be of a place

W. 16. C. 3

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place that cōteineth so much, so the pꝛin
cipal demaund shalbe of the place, & not
of so many footes, & also the wꝛit ought
to be, that these .xii. of the assise ought to
be of the same beynew wher the demaūd
is made, and nowe is the one of the bey
new of the towne of Dale, to somon the
Jurours, and the second is in the towne
of Dale, & also in the demaund, the land
is first in demaund, & after the mesuage.
&c. and in the clause to make the beynew
þ mesuage is first named, but the excep
cion was not allowed as to the first cha
lenge, for a man shal not haue a wꝛit to
demaund a place that is not certayne, &
as to the second poynt the fourme of the
wꝛit is such and may not be intended di
uers towne, & as to the thirde point that
is hole in the demaunde shalbe first na
med, and then the halves, but when the
beynewe ought to be made and the hole
mesuage to be put in betw þ forme is to
put the mesuage afoze the land & a wꝛit
of another forme may he not haue, wher
foze the wꝛit was a warded good.

27. 7. C. 3.

In assyse of Mortdauncestour, yf the
tenaunt pleade a feoffement of the aun
cestour of the demaundaunt in barre, he
ought to traaverse the dienge seyled, but
yf he pleade a recouere, or a syne leuyed
by the auncestour, he ought not traaverse
the

the dyng sessed, so: that, that the demaundant is stopped to save agaynst the recorde that he dyed seyled withoute shewing how after the recovery.

In assyse of Mortd. the tenant pleaded **27. C. 3**
a recovery in assyse had agaynst y pleintife self, and so: that, that thys dysproves the estate that the pleintife hath after the deathe of hys auncellour the opinion of the court was that it is no barre.

A. was endyted of felony, & one **D.** as accessory, & vpon the cape the shyrife returned that **A.** non potest inueniri, and that the sayd **D.** was taken, & he pleaded not gylty, and he was founde gylty, and hanged, & the lord by Eschept entred, & after the said **A.** was taken, & brought to the barre, & after was founde not gylty, & the heyre of the sayd **D.** brought assyse of Mortdauncesser agaynst the lord by Eschept, & shewed all this matter, & after was awarded that the sayde heyre shulde recover seyson of the land: for that, that if the sayd **D.** wer on lyue, that he shulde be acquyted by the acquytail of the sayde **A.** and that he can be no accessarye of felony whan there is none. **27. C. 1**

Rex vic salutē. Preceptū A. q. iussu ac reddat B. vniuersis cum p̄m in A. & aduocationē eccle- **21. C. 1**
hecia de m. bille de quibus C. anns predicti B. **21. C. 1**
tūus heres tpe et fuit scitū in dominico suo,
R. 1. **21**

Natura

Et de feodo die quo obiit, ut dic. Et nisi fecerit et
predictus B. fec. te lecut et. tunc cum et. Et habe-
as et. teste et.

This writ lyeth where my graundfa-
ther dyed seysed of lande, tenement, or
of rent in fee symple and a stranger doth
abate, than I shal haue against him this
writ, or agaynst his heyre, or hys aliene,
or agaynst whosoever that cometh to the
sayde landes & tenementes in what ma-
ner soever he is in. And in the same ma-
ner lyeth a writte of Cosinage, that is to
say, where my graundfathers father, or
my great graundfathers father, or other
Colyne, and so to the. ix. degree that died
seysed in fee symple, & a stranger enter
I shall haue a writ of Cosinage, and not
a writ of Ayle: for that, that it passeth by
writ of Ayle. And note ye, that a writ of
Cosinage lyeth in the discent lineal. And
it is to knowe that the lineall dyscent is
fro the father to the sonne, but if the land
discent fro the sonne in the vncles sonne
upon abatement, he shall haue a writ of
Cosinage. And note ye: that a wyle of no-
uel disseison, Mortdauncefour, Ayle, Co-
sinage & Ruper obiit, are onelye writtes
of possession, & not mixt with the ryghte,
but a wyle of Nouell dysseison is of hys
own possession. And the other are of the
possession of the auncestour to whom he
is next

is next heyre. And note ye, that a mā shal
reouer no damages in the sayd writtes
but in those that damages are geuen by
statute, or by y^e common law, & of dama-
ges loke in the stat of Glouc. Cap. 1. And Proces.
y^e proces is in this writ, Somōs, Graūd
Cape, & petit Cape. &c.

Addicion.

¶ A general writ of Ayle was brought, M. 13. E. 3
and it was challenged: for that, that hys
aūcestour dyed not in Englād, but toke
his iourney toward the holy lande, and
came not agayne, in which case he shal
haue a lyke writ as he should haue in a
yle of Mortdauncestour, but that excep-
ciō was not allowed, for it hath not been
seene in a writ of Ayle.

¶ The writ of Ayle was *Precipe. Erc. quod* M. 13. E. 3
reddō bñam bouatam terre & bitam bona-
tam Marresci, and the writ was abated,
for that, that the organge is alwayes of
a thyng that lyeth in gaynour.

¶ In a writ of Ayle, a release was pleas- H. 13. H. 4.
ded of the same graūdfather with a war-
rante, and the opinion of the court was
that, & was no barre, except he say wout
that, y^e he dyed seised, & so it was pleaded:

¶ A writ de Super obijt.

R *Ec. bñ. saltem. Si A. fecerit te ec, tunc suffi A writ de*
ec, B q sit corā Iustic nris ec, tali die ostēs Super obijt
quare deforē pñat A. rñonabilem prē suam que eis lach

hōitūit de heredit, q̄ fuit J. de R. patris sui fra-
tris, sororis, aut, auię, auunculi, amice consanguini
p̄dictorum J. & B. cuius heredes ipsi sunt. Et qui
nuper obiit ut dic. Et habeas &c. tesse &c.

Proces

This writ lyeth where a man hath ma-
ny heyres that shall equallye enherite,
as many daughters or sonnes (if it be in
Kent) and dyed seised of certayne landes
or tenementes holden in fee simple, if a-
ny of thesle coheyres enter into the land
and holde thesle other oute, than thesle
that are holden oute shall haue the sayde
writ agaynst the coheyre that is in. And
the Proces is, as in a writ of Ayle. And
note ye, that a writte of Nuper obiit, and a
writte of Ryghte de Rationabile parte, ly-
eth alwayes betwene pynces of blood,
but a writ of Mortdaucester, Cosinage,
and a writte of Ayle, lyeth alwayes a-
gaynst a straunger. Note ye, if anye
be deforced of theyr reasonable parte, it
behoueth to be brought by all those, that
are deforced, & not by one of them, for al-
beit, if theise other will not sue for theyr
reasonable part, the shall bring this writ
and all theyr names that are deforced, &
this writ shall be retornable; and if they
will not sue, he that wil shall haue a writ
called *summonias ad sequendum simul*, and if they
come not at thys writte, the other that
wyll sue shall be receyued to sue, and to
pleade

pleade agaynst his person & is desozsoun
 in right of his part, & shal haue iudgement
 and execucion for her porcion. Note ye,
 that this writ shal be brought by coheyr
 agaynst coheyr, & not other wyse: for if
 any other auncestour enter, & clayme by
 thesame discent that I clayme by, I shal
 not recouer agaynst him by the said writ,
 nor other writ, but enter vpon him. And
 if he put me out, I shal haue assise of Ro-
 uel disseison, or a writte of Ryght, for as-
 sise of Mortdauncestour I maye not haue
 agaynst my colyn that claymeth by the
 same discent that I clayme by, for a writ
 of Mortdauncestour lyeth neuer betwixte
 prynces of blood. And the writ of Ryght
 that is brought agaynst the Cosine that
 clameth vt supra, shal not be determined
 as other writs of Ryght that is to say, by
 battayle or by graund assise, but by en-
 quest, that is in the place of the graunde
 assise: for that, that the ryght is not to be
 tryed, but onely the priuety of blood, & is
 to say, which of the are more nere of blood
 to the auncestour that was last seised a-
 fore that they are passed the thyrde degree
 where they ought claime by one discent,
 but battayle lyeth not betwixte sisters,
 where one is feoffed by Chartour, and y
 other by discent, as it appereth in Magna
 Carta de assisa eligenda. Note ye: if any

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Straunger abate after the death of any co-
mon auncestour all these coheyes toge-
ther shall haue thep^r recovery agaynst h^e
straunger as one sole heyre shall haue by
a writ of Mortdauncestor.

Addicion.

In a Nuper obit after that, that the tenat^r
hath defended the w^rdes of the courte,
and the ryghte of the demaundant, as a
freē mā, he alledged that he was villeyⁿ,
whereby the w^ryt abated. And note ye,
whā a w^rit is abated by ercep^cion of vil-
lenage, h^e w^rit lye^th not agaynst h^e lo^rd of
h^e villein, if h^e villein be not named, where
the lo^rd is not seised by entre, for the lo^rd
shall not be tenant agaynst^e his will.

A writ de Decies tantum.

A writ de
Decies tan-
tum is such.

Rex. v^s salu^mtem. Si A. fecit te secut^r &c. tunc pos-
set. C. D. et E. &c. q^u sint &c. tali die ad respond^u
tam vobis q^u p^refat^r A. quare cum in parlamento
domini E. nuper Regis Angl^e progenito^ris no-
stri apud westm^{onasterium}. An. regni sui. xxxviii. ten^t inter
cetera concordat^r existat: quod si aliquis iurato^r in
ass^{ess}. iuratis vel aliis inquisitionib^{us} capiendum in-
ter nos & partem vel partē et partem quicquā ca-
piat p^{er} ipsos vel per alios aperte conquerente vel
defendente pro heredito suo dicendo & super hoc
per processum in quodam articulo de iurato^ribus.
Anno regni sui. xxxviii. fact^r ordinat^r, conuincat si-
ne sit ad sectam partis: que pro se ipso aut pro no-
bis, aut alterius cuiuscunque persone prosequi
voluerit salvo simil^{it} iure ille p^{ro} decies tantum,
quantum ipse recepit & habeat ille qui facit i^uctam
Cua

suā medietatē & nos altam. Et q̄ omnes imbracia-
tores dicendi vel pcurandi tales inquisit̄ in pa-
tria p̄ lucro vel p̄o pficio capiend̄ puniant̄ eodē
modo in forma sicut iurat. Et si iuratoꝝ v̄ imbracia-
toꝝ ita conuictus non habet vñ in forma supra-
dicta satisfaciāt habeat p̄isonā vnius anni, p̄o-
ut in ordinat̄ predict̄ plenius continetur p̄dicti C.
D. et E. in quadā assisa no. dist. q̄ idē A. nup̄ arefi-
corū dilectis & fidelibus nostris R. S. Iustic̄ no-
stris ad ass. in com̄ S. capiend̄ assign̄ p̄ h̄c nostrū
versus W. et alios in dicto breui content̄ de tēn in
T. ponit̄ p̄o beredicto suo in hac parte dicendo
ac predicti C. D. et E. imbraciatores eiusdem ass.
ad eam dicend̄, et p̄ocurando de prefato A. di-
uersas pecuniarum summas. Et alia dona apud
R. cepit̄ in nostrū contemp̄ & ipsius A. ad graue
dāpnū. Et cont̄ formam ordinationis p̄dicte. Et
habeas ibi nomina pleg. et hoc breue teste &c.

This wryt lyeth where Jurours hathe
taken golde oꝝ siluer of the one partye
oꝝ of the other to say theyꝝ verdicte, than
by thys wrytte they shall paye. x. tymes
as much as they did receiue, and the par-
ty that sueth shall haue the halfe, and the
kyng the other halfe. And those Embra-
ceours ȳ p̄ocureth suche enquestes, and
taketh money, they shall be punyshed in ȳ
same maner, oꝝ if these Jurours oꝝ Em-
braceours hath not, whereof they maye
make gr̄e, they shall haue imp̄iesonmēt
of a yeaꝛe, but no Justices by hys offyce
shall enquire vpon the sayd poyntes, but
only at the suit of the party, and this re-

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couery is geuen by the statute de An. 34. C. 3. Cap. 8. And the Proces is, Attache-
ment and distresse.

Proces.

Addicion.

Op. 35. h. 6

In this accion popular, the defendand
pledged a recovery in another accyon po-
pular, that was brought agaynst him by
a stranger, and acquittance made to him
by the stranger, & pleintife may auerre
acquittance to be made by collusion.

Quere what
pere,

In a *Decies tantum*, iudgement of the writ
was demaunded: for that, that the writ
was, in loquela que fait inter J. P. de-
maundat et J. C. de for. per breue nostru
de iudicio de vno mesua. where he ought
to shewe by what writ of iudgement: for
that, that there is dyuers writs of iudge-
ment, as a *scire facias* to execute a fyne, or
a iudgement. For if the defendaunt will
say, that there is no such recovery, this
issue is not certayne, for the recoverye is
not alledged certayn, notwithstanding
the writ was awarded good. for that, that
he hath put the certayntie of the lande in
the writ. And in suche a writ it is suffici-
ent to saye, In quadā loquela transgres-
sionis vel debiti, without moze, & yet the
trespas is not certayne.

Op. 2. h. 7.

Note ye, that in a *Decies tantum* and other
accions grounded vpon the statute that
geneth to the party that will sue, the one
halfe,

halfe, & the kyng the other, if the partye begynne hys suite, that y was populer is made his proper suite, & the king, nor none other persone maye not release nor dispence, as to his interest, & the acquittal or condempnation of the partye is a barre & a discharge agaynst all other people, but before the accion begone, the king maye release or pardone, & that shall be a barre agaynst all people, & that was graunted by all the court.

In a *Decies tantum* agaynst the Embrazours, the pleintife ought to shew how they embraced, & where the embracement was made, & howe he took money, & how he said to y Jury, & Danby sayd, though that they take money, and make no Embrazery, the accion lyeth not against the but otherwise is of a Turpe, if they take money to say theyr verdict, if y party be nonsuit y accion lyeth very well against the, for that, that when they are swozne, they are Judges.

And note ye: if the iurours geue a true verdict notwithstanding that if they take money to saye theyr verdict, they shalbe punished by this writ.

A writ of *Decies tantum* was broughte agaynst certayne persones for takyng of money in assyse brought by the pleyntife in this writ, and hys wife and excepcion was

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was taken for that, y the wyfe was not named with her husbände in thys writ & that ercepcion was not allowed for thys writ is not geuen by reason of the tenaūcy, as attaint or Chāparty is, but it is to punishe the Jewry for the takynge of the money.

I.14.E.3

In a Decies tantū, the verdit was found against the Jurours, in this accion y Jurours were awarded to prison, & it was awarded that the kyng & the partie shall recover .x. tymes to the valure &c. as the statute will &c. And that the kyng shall haue the one halfe & the partye the other half, & the Jurours shal pzofer that, that belongeth to the party in the courte, and it was sayde that the king is pꝛincipall, for it is geuen by the statute that he that will sue for the kyng, the kyng hath geuen him aduantage to haue the halfe of that, that shalbe recovered, & it was answered y the king taketh not his suite as of det due, but by way of a fine, and there where the king ought to take a fyne, the partie shalbe alwaies fyrst serued wherfore they payed the half to the pleyntife, & founde suertye to the kyng &c. And than they wer deliuered out of the prison.

A writ de Quare-eiecit infratermi-

A writ de quare eiecit infra terminū.
R Ex vic salutē Si A. fecerit &c: tunc sum B. q
 sit &c. tali die ostensū quare defoꝛt pꝛesat A.
 de. x.

de .x. acris. tert. cū perti in p. q. C. ei demisit ad
terminū qui nondū pteruit, infra quē terminū idē
C. pfato B. terrā illā vōdidit occasione cuius bē-
ditionis idē B. p. prefat A. de terra p. dicta eiecit: vt
dīc. Et habēas ibi sum &c. Teste &c.

minū is such

This writte lyeth where a man letteth
landes or tenementes to another for
tearme of yeres, within whiche tearme
the lessour enfeoffe another in fē, & the
feoffe put out the tenaunt of his tearme,
than the tenaunt shall haue this writ a-
gaynst the feoffee, and the proces is, So-
mōs, attachement, & distres, & the proces
of outlawry, but the tenaunt in this case
maye haue a writ of couenant agaynst
hys lessour if he be sufficiēt, & haue wy-
ting. And also because that thys tearme
is compared to mouable goodes and cha-
tels, this writ was founde by a dyscrete
man called William Marton, so that by
this writ, the tenaunt maye recouer hys
tearme agaynst the feoffee.

Addicion.

Note ye, that in this writ the lesse shal h. 19. h. 6
reouer his terme and damages agaynst
the feoffe of his lessour.

In this writ agaynst R. the pleyntife h. 3. C. 1
declared that R. hym defozced of an acre D. 18. C. 2
of land the whiche one A. lette to hym for
tearme of yeres wīn whiche terme such a
day &c. A. sold the land to thys R. where-
foze R. hym put out, the defendant said, y
he

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he hath nothing of the sale of A. & he was put frō that plæ, for if it be found that A. had sold it, yet þ putting out is not found, wherfoze he said, that A. hath nothing in demeane, reuercion, noz in seruice at the time that he solde the lande to vs &c. and that was not allowed, for he oughte to aunswere to þ putting out, wherfoze he sayd þ he did not put him out by the reason of þ sale of A. &c. And note in þ same plæ if he in the reuercion release to the disseisour, this writ of *Quare eiecit infratervis mixum*, lyeth agaynst the disseisour.

¶ And note that a mā shal not haue this writ, except þ he haue possession in dede.

¶ A writ de *Eiectione firme*.

A writ de *Eiectione firme* is such

R Ex vic. salutē. Si A. fec. &c. tunc pone &c. B. q. sit &c. tali die ostens quare vi et armis in mānerium de J. q. C. prefato A. demisit ad terminū x. annorū qui nondū preterit, intrauit, et boni & castalla eiusdem A. ad valenc. x. li. in eodem manerio inuenit cepit, & alport. Et ipsum A. a firma sua predicta eiecit & alia enormia et intulit ad graue dāpnū ipsius A. et contra pacem nostram. Et habet ibi nomina pleg. Et hoc breue teste &c.

T Hys writte lyeth in case where landes or tenementes are let to a manne for terme of yeares, within which terme a straunger of hys owne wronge putte out the sayd tenaunte, than the sayd fermour shal haue the said writ against the stranger. And the proces is as in a writ of Tres.

Proces.

of Trespas, for in this writ shalbe supposed that the tenant was put oute with force and armes.

¶ Addicion.

¶ Note ye, that this writ of *Eiectione firme*, **H. 6. R. 1** is but in the nature of an action of trespass, & the pleintife shall not recouer hys tearme that is to come but damages, but he shall recouer hys tearme by a writ of Couenaunt agaynst his lessour.

¶ Note ye, that executores broughte a writ of *Eiectione firme* & declared y^e their testator was put out, and the writ was good **E. 7. R. 4** Quere.

¶ A writ de ingressu ad terminum qui preterit.

Rex hinc salutem. Vbi A. q. in te. sc. reddo B. hinc A. writ de terminuag. cum pertinet in A. q. idem A. dimisit ad ter gressu ad terminum qui preterit de die. Et nisi sc. q. predictus B. minum qui fecit te secut sc. tunc lusi sc. Prefatu A. q. sit coram preterit is sc. tali die ostensu quare non fecerit. Et habeas luchi. ibi lusi, & hoc breue, teste. sc.

Thys writ lyeth where landes or tenements are let to a man for tearme of yeares, and the tenaunte holde ouer hys tearme, than the lessour shall haue this writ, but in place of thys writ he maye haue assyse of Nouel disseyson if it be in the first degre (that is to say) if the lessour entre after the terme ended, & the lesse entre agayne & put him oute, than lyeth the assyse. And also it lieth in case where lādes or

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des oꝝ tenementes are let foꝝ tearme of a
 strangers lyfe, and the straunger dyed, &
 the lesse holdeth ouer his tearme, than h̄
 lessour shal haue the said wꝛit oꝝ he may
 entre as afoꝛe is sayde. And in case h̄ the
 ternaunt foꝝ tearme of lyfe sell the land &
 dyed, than he in the reuercion shal haue
 the sayd wꝛit. And in case that the tenāt
 foꝝ tearme of lyfe be impleaded, and the
 land be recouered agaynst hym, and dy-
 ed, than he in the reuercion shal haue h̄
 sayd wꝛit in the poss. And note ye, if the
 reuercion of a ternaunt foꝝ tearme of lyfe
 be graunted to a man, and the tenant foꝝ
 tearme of lyfe make seoffement, & dyeth.
 It is sayd that he to whom the reuercion
 is graūted, noꝝ his heyꝛe may not haue h̄
 sayde wꝛit: foꝝ that, h̄ he is a purchasour
 of the reuercion, & not lessour noꝝ heyꝛe
 to the lessour. And note ye, that this wꝛit
 lyeth not foꝝ hym in the reuercion after
 the death of the ternaunt in dower, oꝝ by h̄
 courtely, foꝝ they are not tenātes foꝝ lyfe
 by lease, but by h̄ lawe. But if tenant foꝝ
 yeres, oꝝ the Gardeyne by knyghtes ser-
 uices sell, than the lessour oꝝ the Infant
 shal haue assyse of Ponel disseyson, and
 not this wꝛit, as it appereth by h̄ statute
 of Westm. 2. Ca. 25. whiche beginneth:
Quia nō est aliud breue &c. And the pro-
 ces is in this wꝛit, & all other wꝛittes of
 Entre,

Entre, graund Cape, & petit Cape. And note ye, that this w^{rit} of Entre maye be made in the *per Cui* or *Post*, as a w^{rit} of Entre or disseison. And note ye, that in euery w^{rit} of Entre in the *post*, the w^{rit} shal save. Et vnde queritur &c. and in no other w^{rit} within the degraes. And also in euery w^{rit} of Entre where a man demandeth of the possession of hys ancestor, he ought demand by title: quod clamat esse ius &c. but of his own possession he shall make no t^{itle}. Except it be where the woman demaundeth her heritage, or mariage that was solde by her hulbande, or her dower of her fyrst hulbande solde by the second hulband.

¶ Addition.

¶ A man made a feoffment of his lande by Chartour, which was deliuered into *M. 5. C. 3* an indifferent mans hand vpon such condition that if he pay. xx. li. to the feoffee at such a day, that he may enter in hys lād, & that the Chartour to hym be redeliuered, if not. &c. In this case if the feoffour paye the money at the day assigned, & the feoffe holde the land after the daye, & obteyne the dede, the feoffour shal haue the sayd w^{rit} & after the money to be payde.

¶ The husband & the wyfe let landes to one for tearme of yeres, & husband dyeth *An. 8. B. 7* and the lessee held after his terme, & dyed, *It cauē.*
after

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after whose death the sōne of the lessē en-
treth, & the wyfe bzyngeth the sayd wzytte
supposyng y he hath no entre but by hys
father to whō she let for terme of yeres y
is passe, the tenaunt sayth that her hus-
bād and she made lease ioyntly, & not she
only &c. & that she might not denye wher-
fore the wzyt abated, and no other maner
of wzyt she may haue.

L. 20. C. 3.

If an abbot y is parson in parsonē let
land for tearme of yeres, y is of the right
of his churche and dyed, & the lessē holde
aft his term, his successor shall not haue
the saide wzyt, though that al be annexed
to his abate, & for that, y his successor in
such a wzyt ought clayme his land in the
right of hys churche y he holdeth as per-
son, in which case he hath no other reme-
dy by the statute, but a *iuris vtrum*; wher-
fore hys wzyt abated.

**A wzyt de Ingressu dum non
fuit compos mentis.**

**A wzyt de
Ingressu dū
non fuit com-
pos mentis
is such.**

Rex vic. salut. Pzec. A. q iuste et sine dilatio-
ne redd. B. unum mē cū pti in A. q clamat
esse ius et hereditatem suā: & q idem A. non ha-
bet ingressum nisi p C. patre predicti B. cuius he-
re pte est qui illud ei demisit, dū non fuit cōpos mē-
tis sue: vt dic. Et nisi fecerit &c. telle &c.

This wzyt lyeth where a mā selleth
lande or tenement, whan he is out
of his mynd, & dyed, than his heyre
after

after his death shall haue this writ. And note ye: that it is said that the auncestor self shall not haue this writ: for that, that he shall neuer be receiued to disable himselfe. Quere. And note ye: that this writ may be made in *h per Cur, et post*, as o^rther writtes of entre. And the proces, is *Homons, graund cape, and petit Cape.*

Quere

Proces.

Addicion.

I. 18. C. 3.

In this writ it was supposed, that the tenant hath no *etre* but by his auncestor that demised to the tenant. The tenant sayd that he entred by one *P.* and not by his auncestor and that was holden no p^lee, for he ought to trauers the demise, & not *h entre*, wherfore he said that he entred by *P.* wou^t that, *h* his auncestor let

Note ye: that in this writ of *Dum non fili* *it compos mētis*, omission of discente of hym that might tende the estate of the partye of the demandant, shall not abate *h* writ though that he suruiue him of whose seⁱson he demaundeth, excepte that he was seised, or had released, or had made felon^y, or had issue in full lyfe.

I. 12. C. 3.

Note ye: that if one beyng out of hys minde make a feoffemēt in fee, after his death his heire maye entre, for the p^lue was takeⁿ v^o *h* being out of his mynde,

I. 12. C. 3.

An. 36. b. 6.

A writ de Ingressu dum fuit
infra etatem.

S. i. Rex

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A writ de in-
gressu dñi fuit
infra etatem
is luche,

Rex bñ salutem. Præ A. qđ tulle ꝛc. redd B.
qui plene etatis est: vt dñe duas acras terre cū
pertin in B. quas idem B. ei demisit dum infra e-
tatem fuit: vt dñe. Et nisi fecerit. ꝛc. Telle. ꝛc.

This writ lieth where one being with-
in age selleth his land to hym discen-
ded, or of his own purchace in fee, or for
ferme of life, when he cometh to hys
ful age, he or his heyre maye recouer by
this writ, but it is conuenient that he
be of full age the daye of his writte pur-
cased, but if the Infant let his lande for
terme of yerres, and after he make a con-
firmaciō, or release wīn age he shall not
haue the said, writ whā he cometh to his
ful age, but he may haue in this case as-
sise of Donel disseison: for that y the In-
fant made no leuere of seyson. And note
ye: that if land in fee symple be solde by
one being within age, the heire of the
seller shall not mainteine the said writte
being wīn age, nor no writ of entre. ex-
cept it be wīn the case of the statute of
West. 2. Capitu. 46. which beginneth.
Duruen est ensement que nul. &c. Also
if the father being within age sell lande
to him descended in tayle and dyed hys
issue shall haue a Forimedon in the dys-
cendre, and not the said writ. And note
ye: that if an infant sel his land, he may
entre against his owne feoffement, & if
he be

he be put out, he shall haue a wife of **Do-**
uel disseison when he cometh to his ful
 age, but when he cometh to his full age,
 it is conuenient for him to purchase the
 saide writ. And note ye: y an infant shal
 recouer in a writ of righte, or any other
 writ accoꝝding to his case, for such land
 that he hath of his owne purchase. And
 also an infant shal be charged to attour-
 ne by a writ that is called *per que seruitia*, be
 pater per **Johannem** Coplande termino
Michael. An. 25. E. 3. But it is said that
 he shall not be charged to attourne by a
Quid iuris clamat. And note ye: that an In-
 faunte may mayntayne a writ of **Entre**
 vpon a disseison made to hymselfe. And
 note ye: that if. ii. byng a writ of ryghte
 as heires, the one beyng wythin age the
 plee shall tary vnto her full age. If a mā
 byng a writ of possession, as a writte of
Aple, **Cosynage**, or assyle of **Moꝝdaunce**
stour, and the tenant in any of these aect-
 ons say, that his aunccestour was seised
 of y same land in his demeane as of fee,
 after whose deth he entreth as sone and
 heire, & pray his age, if y trouth be so he
 shal haue his age. Otherwyle is in assise
 of **Doel** dis. for that, that the dis. was
 his owne wronge. If an Infauant byng
 any writ of possession against one of ful
 age, he shalbe answerd, as in a **foꝝmed.**

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In the disceder if his ācestour dyed seys-
 sed as of fee taile: for that, y it is in place
 of A lise of Mordācestour, but if there
 be pleaded against him in the dede of his
 ācestour with altes by discent, the ple
 shal saty: for that, y he within age may
 not confesse nor deny the dede of his ā-
 cestour: But if in assise of Nouel discei-
 son, the dede of the father of the Infant
 with a warrant be pleaded against hym
 the assise shal be awarded for y auantage
 of the Infant to enquire of the Circum-
 stances of the dede (that is to say) if it be
 the dede of the ācestour. And if it so be
 that the ācestour was of full age, and
 of good memozy, & if the lande passed by
 the dede or not, and if he be heire to him
 and for these matters afoze loke the sta-
 tute of Gloe. Capit. 2. whych beginneth.
 Si infant deins age. &c. Note ye: that an
 infant shal aūswere where he is scoffed
 within age, & euerye other case where he
 is in of his owne Intrusion. The same
 lawe is in a writte of Dowet where the
 heire to bouched to warrāty. The same
 lawe is in appele if he be of y age of. xiii.
 yeres. And note ye: if an infāt sel his lād
 reseruing certaine rent, and at his full
 age he receiueth the rent, he shal be bar-
 red of hys accion. And note ye: that an
 infant may not sue an appele: for that, y
 he

he may not suffer imprisonment, & also
for that, that he may not make ransom.

¶ Addicion.

¶ This writ was broughte in **G.** the tenth **P. 13. E. 3.**
naunt saide that the vsage of that towne
is, whan a man can couit. xii. d. & mesure
a parde of clothe, than he is of age to sell
his lande, of suche age was the deman-
dant whan he demised: and for that, that
he put not the age to certain, so that the
demaundant mighte haue answer, to y^e a
warded was that the demandant should
recouer.

¶ Note ye: that if the husbände and the **P. 14. E. 3.**
wife do sel land that he hath in righte of
the wyfe bothe beynge within age, after
the death of the husbände, the wyfe shall
haue a *Dum suit infra etatem* and thys is in a
writ of **Wass.**

¶ If the husband and the wife purchase **P. 22. E. 3.**
lande ioyntly y^e wife being within age,
and the husbände & the wife selleth all y^e
lande, the husbände dyed, the wife shall
recouer the hole by this writ.

¶ Note ye: that it is sayde by **Hake** in **T. 12. H. 4.**
a^lysse, that an infant of the age of. xviij.
yeres may be a disseisour with force & ar-
mes, & be imprisoned and answer to the
wrong made by him. &c. and if the infāt
pleade in barre (as he well may) and a ri-
tle is made against him, he shall answer
S. iii. to the

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to the title, or otherwise the assise shal be taken and if he replie againste the title which is found against hym, it shal not be enquired if he hath any other matter against the title, and that is for y^e w^oge that is supposed in his person, but whē he is pleintife, & a barre pleaded against him the court of office shal enquire for y^e infant: for that, y^e he knoweth not his best right, & the court hath power to enquire for the tenderneſſe of his age.

¶ 9. C. 4.

Note ye: that it was holded by all that iustices, that y^e circumſtañces of a dede pleaded against an Infāt, shal not be enquired in a writ of Centre, nor in no other writ, but where there is a iure of y^e first dape for the *Venire facias* is to trie one point certeine.

**¶ A writ de Ingressu super diss.
in le quibus.**

**A writ de ingressu super
dⁱ in le quibus
is such.**

Rex bñ salutē. Dicit A. qd. &c. redd. B. unum mess. cum pertiñ in A. qd. clamat esse ius et heres suam et de quo idem A. iniuste et sine iudicē disseisavit C. pñm predicti B. cuius heres ipse est post primam transsē domini regis &c. In balcoñ &c. Vel sic. In quod idem A. non habet ingressum nisi per C. cui. A. illud dimisit qui iniuste et sine iudicio disseisavit B. patrem predicti B. bñ antecessorem &c. cuius heres ipse est post primā transsē fraterionem. &c. Vel sic. In quod idem A. nō habet ingressum, nisi per dimissionem quam C. inde fecerit B. patri &c. predicti B. cuius heres &c. post primam. &c. Et unde querit. &c. Teste. &c.

Thys

This writte lieth where a man is dysseised, & dieth, his heire shall haue the sayd writte against the same disseisour. And note ye: y this writ is not giuen but only for the heire of y dysseisie (in what degree so ener he bee.) And in this writte the demaundaunte shall make tytle as heire from the auncellour that was dysseised. And note: that this writ shall not tary for the nonage, as appereth by y statute of Westm. 1. Ca. 46. whiche beginneth. *Puruen est ensement. &c.* It is sayd if the foresaid writ bee brought against the yssue of the aliene of the disseisour (yf he bee within age) then the plee shall not tary: for that: y it is not within the case of the said statute. And the Proces is in this writ, and all other writs of entre y Proces.
are ple of land, and beginneth *Precipe quod reddat. &c.* Somons, graunde Cape, & petit Cape. And this writ shal sai: *de quo vl de qbus A. dis. B. p̄m. &c. cui heres ipe est*

Addicion.

Note ye: of what thinges a man shall H. 8. C. 3. haue the sayd writ, he shal haue the sayd writ of a Gozge.

If a fishing be graunted to an Abbot M. 13. C. 3. & he vse the fishing in seueraltie, if he be disseised & died, his successour shal haue a writte of Entre for the ground.

S. iiii.

And

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L. 4. C. 3.

And note ye: that a mā shal haue the said wꝛit. *Precipe quod reddat pasturam ad duos boues* and this is to be intended that this wꝛit lieth not against the lord of the ground, for against him lieth the *Quod permittat.*

L. 3. C. 2.

A man shal not haue the saide wꝛit of *Precipe quod reddat passagium ultra aquam* agaynst him that hath the course of h̄ water, but a *Quod permittat.*

D. 7. C. 3.

A man shal haue thys wꝛit *Precipe. &c. quod reddat balliuā ad custodiendū p̄ eum de L. cum p̄tīn quam clamat esse ius et hereditatem suam.*

D. 4. C. 4.

Note ye: that a man shall haue a *precipe quod reddat* of a thing that lieth in giuing as land, rent, and such like, but of a thig that lieth in taking oꝝ sufferauce to vse otherwise is as of Comon, Estouers, & such like wherof the party shall haue as lise oꝝ a *Quod permittat.*

A wꝛit de Ingressu super in per.

A wꝛit de ingressu super
diss. in per is
suche.

Rex bñ salutē. Prec̄ A. q̄ iuste et sine dilatio-
ne redd̄ B. bñum mess. cum p̄tīn in B. quod
clamat esse ius et hereditatem suam: et in quod
idem A. non habet ingressum nisi per C. qui ind̄
iuste et sine iudicio disseisuit B. patrem pre-
dicti B. cuius heres ipse est post p̄sumam trans̄-
dāt. H. &c. et vnde queritur. &c.

This wꝛit lieth where a mā is disseised
of hys freholde, and the dysseysour sel
to a straūger, oꝝ if the dysseysoure dys
and hys heyre entre, than the dys-
seys

seissie oꝝ his heire shall haue the foresaid
 writ against the alienour, oꝝ against the
 heire of the disseisour. And note ye: that
 liuing the disseisour no writte of Entre
 lyeth foꝝ the disseissie but onelye assyse of
 Pouel dist. And the writ of Entre shalbe
 Et quod idē A. non habet ingressū nisi p
 B. qui illud ei dimisit qui iuste. & c. And
 if the disseisour sel the lande, and dyethe,
 he to whom the lande was solde sel to a-
 nother, oꝝ in case that the disseisour dye,
 and his heire entre, and y heire dye, and
 his heire entre, than the disseisour, oꝝ hys
 heire shall haue a writ of Entre sur dys-
 seison in the Per, et Cui. And the writte
 shalbe thus. Et in q non habet ingressū
 nisi p J. S. cui. R. D illud ei dimiset qui
 inde. & c. And note if the disseisour sel the
 land, and die, and he to whō the lād was
 solde sell to another, & the second aliene
 sell the lande to another man, oꝝ in case
 that there be thze discentes of the disseys-
 sours part, thā the disseisour, oꝝ hys heire
 shal haue a writ of entre in the poss, and
 the writ shalbe. Et in quod non habet in-
 gressū nisi post disseisiā quod B, inde in-
 iuste. & c. And note ye: that. v. thing put-
 teth the writ of entre out of his degrees
 (that is to say) Intrusion, Eleccion, dis-
 seisin vppon disseisin iugement & escheit
 First Intrusion is, where the disseisour
 died

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died seyled and a straüger abate, the disseisyn or his heire shal not haue a writ of Entre in the Per, but the writte shal be in the Post: for that, that the abatour is not in by discent, nor by purchase, but only by his owne wronge. The seconde cause is Eleccion, and that is where the disseisour is a man of religion & dieth or is deposed and his successour entreth, the disseisyn or his heire shal not haue a writ of entre in the Per, but a writte in the post, the cause appereth. The thyrde is iudgement, and that is, where a man recovereth against the disseisour, and after the disseisour died, the disseisyn or his heire shal not haue a writ of Entre in the Per, but in the post. The fourth is disseisin by force disseisin, & that is where the disseisour is disseised, & died, the firste disseisyn or his heire shal not haue a writ of Entre in the per, but in the post. The fyfth is escheit, and that is where the disseisour dieth without heire, or doe a felonye, for the which he is attainted, and dieth. The lord entreth as in his Escheite the disseisyn or his heire shal not haue a writ of entre in the per, but in the post, the cause appereth. And note ye, that the writte of Entre in the post is giuen by the statute of Mar' in the last chapter, which beginneth. *Provisum est.* &c. And the proces is
Somons,

Somons, graund cape, and petit Cape.
And note ye: yf the issue bzing a writte
of entre in h quibus, and the tenat plede
in barre a feotment of the same father,
the issue shal not be charged to answere
to the dede, but he shal haue his writ: for
that, that thys is no barre, but it is a
trauers to the writte.

**¶ A writ de Entre sine
assensu capituli.**

Rex vobis salutem. Prec. A. qd iuste ac. redd. B. ab-
bati sancti Augustini de A. vnu mess. cum per
tine in A. qd clamat esse ius monasterii sui p. d. cap. is such.
Et in qd idē A. nō habet ingressū nisi p. E. quondā
abbat. in monasterii predicti qui illud ei dimisit
sine assensu et voluntate cap. monasterii predicti:
vbi dicit. Et nisi fecerit, et predictus B. fecerit ac.
Et habeas ac. Telle ac.

Thys writte lieth where an Abbot or
Priour, or any such that hath couēt,
or comon seale sellet land or tenement
that he hath in the righte of hys church,
without the assent of the couent, or cha-
pitour & dieth, then his succelloure shal
haue the said writ. And knowe ye: that
this writ may be made in h Per, Cui, or
Post, as it appereth by the register. And
the proces is as in the writ next afoze. **Proces.**

**¶ A writ de Ingressu sur
cui in vita.**

Rex vobis salutem, Prec. A. qd ac. redd. B. que fuit A. writ de in-
gressu. D. vnu mess. cum p. t. in A. quod clamat gressu sur cui
esse ius et heredit suam E. in quod idē A. nō habet in vita is such
ingressum

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ingressum nisi per predictum D. quondam virum
ipsius B. qui illud ei dimisit: cui ipsa in vita sua
contra dicere non potuit: vt dicitur. Et nisi fecit ac.

Proces

This wyrt lyeth wher a woman is sel-
sed for terme of lyfe in taylor, or in fee
simple, and take a husband, and the hus-
band sel the land and dyeth, the wyf shal
haue the foresayd wyrt. And the Proces
is graunde Cape and petite Cape. And
note ye: that in this wyrt she shal make
title, and the wyrt shal say: *Quod clamat esse
ius et hereditatem suam*: notwithstandinge her
owne seyson. And if the wyfe hath other
estate then fee simple as for terme of life
the wyrt shal say *Quod clamat tenere ad terminū
vite sue*, and of fee taylor. And in case that
the husband and the wyfe purchase ioynt-
ly, and the husband sell all the lande and
dyeth, the wyfe shal haue the sayd wyrt &
reouer the whole. And by the statute of
West. 2. Ca. 3. which beginneth. In ca-
su quo vir. &c. wyl that if land which the
husband hath in the right of hys wyfe be
recovered against the husbände and the
wyfe by default, after the death of hys hus-
bād the wyfe shal haue the foresaid wyrt
and the ternaunt shall shewe the matter
of his first wyrt, to whych wyrt the wyfe
shal haue answer, and if it be found that
the ternaunt hath no right, then the wyfe
shal reouer by the sayde wyrt. But if a
man

man recouer againſt the husband onely
 the land that he hath in right of his wife
 by defaute or accyontried, & the husband
 dieth, the wife ſhall haue aſſiſe, and not ſhe
 ſaide writ: for that: that ſhe was not par
 tie to the iudgemente. And note ye: that
 where a man is a ſtranger to iudgemēt
 he may haue trauers to the title cōprised
 in that iudgemēt, as in caſe that, I bring
 a Formedon, & the tenaunt ſay, that ano
 ther time he broughte aſſiſe of Po. dyſſ.
 againſt B. and recovered of the giſte of
 whiche he bringeth and this acciō was
 meane betwixt the diſſeiſon made to him
 and his recouere, & demaunde iudgemēt
 &c. the demandant ſaid that by ſuch a re
 couere you maie not deferre the giſt, for
 ye wer not diſſeiſed, and that am I redye
 to auerre. &c. & that was thought a good
 plee, but the partie that is pꝛiꝛy ſhal not
 haue ſuch an auerment: for that: ſhe is
 helped by Attaint, Errour, or Diſceyt,
 after his caſe, and ſo no miſchiefe to
 hym. And note ye: that if the wife bringe
 her writte of *Cui in vita*: againſte the feoffe
 of her husbände, and the feoffe bouche to
 warrant ſhe beſre of the housband that is
 within age, the plee ſhall not tarpe vnto
 his full age: for that, that it is remedied
 by the ſtatute of Weſt. 2. Ca. 4. whiche
 beginneth. *Cū quis*. &c. But otherwyle
 is, yf

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is, if the wife bringe her *Cui in vita* in the
 per, & Cui, and the tenaunt bouche hym
 to warrant by whom his entre is sup-
 posed and he bouche ouer the heire of the
 husband that is within age, and praye y
 y plee may tary vnto his ful age, in this
 case the ple shall tary: for that, that the
 same statute is not otherwise entended
 but where the alvene of the husbād bou-
 cheth to warrant the heire of the husbād.
 And note ye: that this accion lieth for y
 heire of the wife, for if the husbāde sel
 lande that he hath in right of hys wife,
 and the husbāde and the wife dyed, the
 heire shal haue the sayd wryt. But if the
 wife be tenant in taile, and the husbāde
 sell oꝝ the husbāde & the wife lose by de-
 faulte. It is sayd that the heire shal haue
 a Formedon in the discender, & not a *Cui*
in vita. And note ye: y if the issue bringe
 the sayde wryt of *sur Cui in vita* of the sale
 made by hys father he shal not be barred
 of accion by the warraunt of his father
 only without that he hath to y value of
 Felimple disceded to him frō his father
 y made the warrant. And that is gven
 by the statute of Gloc. Ca. 3. Which be-
 ginneth. *Estable est ensemēt &c.* And in
 case y the husbād let land that he hath in
 right of his wife for terme of yeres and
 after make a cōfirmaciō for terme of life
 oꝝ in

or in fee, & the husshande dyed it is saide þ
þ wife may not haue the *Cui in vita*. But als
sife of Pouel dist. noz the heyze of þ wyfe
after the deathe of the wyfe shall haue
the saide writ, but a writte of *Entre sur*
dist. for the writte shall not suppose such
sale to be made by confirmacion, noz by
release.

¶ Addicion.

¶ The writ of a *Cui in vita* was, *quam cla-* D. 48. C. 3.
mat tenere sibi & heredib⁹ de corpore. &c.
and sheweth not of whose gift, wherfore
the writ abated, but in a *Quod ei deforceat* he
shall not shewe of whose gift.

¶ The said writte supposeth that the te- D. 19. C. 2.
naunt hath no entre but by one S. & the
tenaunt saide that he entred by the sayde
S. & one. A. his wife iugement of þ writ,
yet the writ is good, for though that the
husband made a demise to S. and. A. his
wife, & they demysed ouer to the tenaunt
yet all shalbe counted the demyse of the
husbande, wherfore the tenant pleaded
to the accion. But if S. & A. had demised
by fine other wise should be, and that the
tenaunt should haue pleaded so.

¶ The said writ was brought against þ D. 33. C. 3.
husband and his wife, supposing that þ
wife hath no entre but by one J. to who
the husband of the plaintife demysed. &c.
the tenauntes said that the husband and
the

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the wife entred by the sayd J. iugement of the writ, & that plee was not allowed wout trauesling y^e y^e wife only entred.

pp. 36. C. 3.

If the husbāde and the wife, and the thirde purchase iointly, and the husbāde sel al the land and die, the wife shall not haue a *Cui in vita* liuing y^e thirde: for that, that they may ioyne in a writte of ryght but if the thirde die, she shall haue a *Cui in vita* of the whole, but if the purchase was afoze the mariage, than she shall haue a *Cui in vita*, but of the halfe, no moze than a *Cui ante deuorcium*.

9. E. 2. li. 20

If the husband be seysed of lande for terme of life in the right of the wife: and therof make a feoffment by force wher of he in the reuercyon entre, and the husband died, the wife shall haue the lande againe.

pp. 10. li. 3.

37. 17. C. 3

If the husband discontinue lande that he hath in the right of his wife, and die, if the wife accept part of y^e land in name of dower: quere if she shal be barred.

pp. 34. C. 3

If a man giue lande to a woman byon condicion that she shal sel the lande, & to distribute the money for the soule of the feoffe, the wife taketh a husband, & after the husband and the wife sel the lād and distribute the money accordyng, the husband died, the wife shall not haue a *Cui in vita*.

A wife

¶ A wʒit de ingressu cui ante deuozc.

Rex bñ salut. Pzē. A. q redd. B. q fuit broz. **¶ A wʒit de ingressu cui ante deuozc.**
 R. vñ mel. cū pñ in T. q clamat esse ius & here-
 ditatē suam, & in q idem. A. non habet ingressum
 nisi p predict C. quondam virum ipsius B. qui il-
 lud ei dimisit cui ipsa ante deuozc inter eos cel-
 bratum contradicere nō potuit, vt dic. Et nisi frē.
 ec. Et habeas. ec. Teste. ec.

This wʒyt lyeth where a manne selleth
 lande that he hath in the ryghte of hys
 wyfe, as afoze is sayd in the *Cui in vita*, and
 afterwarde a diuozse is had betwixt thē,
 than the wyfe after h̄ deuozse oz her heire
 shall recouer agaynst the feoffe his heire
 oz his assignes, oz what parson soeuer h̄
 is in the lande. And this wʒitte may bee
 made in the Per, Cui, oz Post. And the Proces,
 Proces is, as in the wʒit next afoze.

¶ A wʒyt de ingressu causa matrimoni prelocuti.

Rex bñ salut. Pzē. A. q ec redd. B. vñ mel. **¶ A wʒit de ingressu causa**
 cum pñ in .R. q idem. A ei dimisit causa ma-
 trimoni inter eos prelocuti, qui eam duxisse debu-
 it in brozem & nondum duxit vt dic. Et nisi frē. prelocuti is
 ec. Teste. ec. such.

This wʒytte lyeth where a woman ge-
 ueth certayne landes tenementes, oz
 rentes to any manne vppon condicion,
 that he shall marrye the sayde woman
 within a certayne tyme, yf the man wyl
 not mary the said woman within h̄ said
 time (betwixt thē assigned) noz if h̄ man

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disableth himselfe as in takinge of another woman to his wife in y^e meane tyme or be made a priest, so y^e she may not take him to husbände accozing to the condicion, the or her heires shall recover the sayd landes agaynst the saide man, or against whosoener be in the land, by this said writ, for this writ may be in y^e Per, Cui, or Post. And note ye: that it is convenient that this condicion be made by indenture, or other wyse this writ lyeth not. And the Proces is as in the Cui in vi a.

Proces.

Addicion.

An. 5. C. 2.

In a Cui in vita, the tenaunt sayde, that the sayde K. her husbände gaue the same landes to the wife: now demaundaunt, causa matrimonii prelocuti: & after toke her to wyfe. &c. And so the effect of y^e gift &c. Deuon. If a man geue lande to a woman by fine, & the next day he marry her, suppose you that the fyne is voyde: whiche proueth y^e by the espousels, the gyfte nor the graunt is not defeated.

A writ de intrusion.

Ex viē salutem. Preē. A. q. &c. redd. B. vnum R. meū. cum petiti in N. q. clamat esse ius & hereditatē suam, & in q. idem. A. non habet ingressum nisi per intrusionem quam in illud fecit post mortem. C. que fuit vxor. B. que illud tenuit in dotem de dono predicti. G. quondam viri sui patris predicti. B. cuius heres ipse est vt dic. Et

nisi fecerit &c. teste. &c.

This writ lyeth where the ternaunt for
 terme of lyfe or of another mans lyfe,
 ternaunt in dower, or ternaunt by courte
 spe dieth seyled of certayn landes and te
 nementes, and a straunger entre he in
 reuercion shal haue & sayd writ against
 the abatour, or agaynst whosoever that
 is in the lande after the death of suche te
 nantes. And note ye, that this writte
 maye bee in the Per, Cur, or Post, as o
 ther writtes of Entre. And note ye: that
 assise of Mortdauncefour, Ayle, Cosp
 nage. Assise of darraine presentmēt, and
 Nuper obiit, are called writtes of possessiō,
 in whiche writs a man shal reconer da
 mages, Costes, and the issues of the lāde
 or tenement demaunded. And note ye: &
 a writ of intrusion in the time of vacaci
 on shalbe mainteyned for the successour
 against the abatour that is in, in an lād
 or tenement that belōgeth to his church
 after the death of his predecessour, and &
 is geuen by the statute of Parl. Capitu
 lultimo. And the Proces is as in the *Cuius*
vis. Proces.

Addicion.

The graundfather, father and & sōne
 are, and & graundfather let land to the sa. D. 7. E. 3.
 ther for terme of his lyfe, the graundfa
 ther I. ii.

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ther & the father died, & a straüger abate the sonne shal haue a wryt of Intrusion and declare of the leison of the graüdfather, and make discent by hys father.

P.6.C.2.

If landes bee let for terme of lyfe the remainder ouer in fee, the tenant for life dyed a straüger abate, he in the remainder maye chose to haue a scire facias, or a wryt of Intrusion.

**A writ de ingressu ad comunē legēis
such.**

A wryt de Ingressu ad comunē legem
Rex B. vna bona terre cum periti in A. quam
clamat esse iura & hanc dicit suam et in qua idem A. non
habet ingressum nisi per C. que fuit vxor D. qui illam
ei dimisit, et quam tenuit in dote de dono predicti D.
quoniam viri sui, patre predicti B. cuius heres ipse
est: ut dicit. Et nisi &c. Et habeas &c. teste. &c.

This writ lyeth where the tennaunt for
terme of life, or of anothers life, tenat
by courtesye, or tennaunt in dower, make
a feoffement in fee, and dyeth he; in the re
uercion shal haue the foresayde wrytte
against whosoever y is in the land after
such feoffement made. And note ye: that
thys writ may be made in the Per, Cui,
or Post. And note ye, that it is geuen by
the statute of Westminster. 2. Capit. 3.
Whiche beginneth. In casu quo vir. &c.
yf tennaunt in dower, or by the courtesye
loseth by default and die, he in y reuercio
shal haue the said writ, but if the tenant
by the lawe of Englande make a feoffe
ment

ment, or lose by default, & dyeth, he in the reuercion may recover by assise of Morte dauncefour, Ayle, or Cosynage, notwithstanding the seison of the tenaunt by the courtesy, as it appereth by the statuto of Gloc. Cap. 3. Which beginneth. Estable est qui si home de. &c. wher he might haue had the writ of entre at the comon lawe. Proces
And the Proces is as in other writtes of Entre.

¶ Addicion.

¶ In a writ of Entre at the comon lawe, the writ shewed not the deathe of the tenant for terme of life; wherfore the writ was abated by ingaine & after reuerfed in the kinges benche, for that, that there is no other fourme of writ.

¶ A writ de Ingressu in casu prouiso.

*Rex viē salutē Dīcipe. A q̄ ac redd. B. vñum A writ de in
Rme sua. cū p̄t̄ in p̄. q̄ clemat. &c. et in quodā dē gressu in casu
A. non habet ingē nisi per E. que fuit broz. E. que p̄t̄ois such
illud ei dimisit, b̄ que illud tenuit in dōtē de dō:
no p̄dicti E. quondam viri sui patris p̄dicti. B.
cuius h̄t̄ ipse est. q̄d p̄ dimissionem p̄ ipsā E. p̄
fat. B. cōtra formam statuti Gloc̄ de comuni cō:
silio regī Anglie inde prouis. factam in seōd. ad
p̄fat. B. reuerfi de beat per formam eiusdem sta:
tuti b̄t̄ dīc. Et nisi fecerit; b̄t̄ supra.*

This writte is geuen by the statute of Gloc. Cap. 7. Which beginneth. Ensemble que si femme vnde. &c. and lyeth where tenant in dower maketh a seoffe.

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ment in fee taylor, or for terme of lyfe of the lesse (lyuyng the tenaunte in dowry) he in the reuercion shall haue this wyrt against him that is in the land. And this wyrt may be made in p^rer, Cui, or Post as other w^rittes of Entre. And note ye: that this wyrt lyeth durynge the lyfe of the wyfe, and not after the death.

¶ A wyrt de ingressu in consimili casu.

A wyrt de ingressu in consimili casu is Suche.

Rex vi^o salutem. Pre^o A. q^u iuste et sine dilatl^e Rone redd^e B. vnu mess cam p^reti in p^rer clamat esse ius et hereditatem suam: et in quod idem A. non habet ingressum nisi per E. qui illud tenuit per legem Anglie post mortem G. quondam uxoris sue matris predicti B. cuius heres ipse est Et que post dimissionem per ipsum E. prefato. A. inde factam in feodo ad prefatu B. reuerri debet at per formam statuti in consimili casu prouist. Et nisi fecerit. &c. Teste. &c.

This wyrtte is taken by the equitye of the statute of Glouc. Capit. 7. and lyeth where the tenant for terme of lyfe, or by the courtesy make a scoffement as afore is said, he in the reuercion shall haue this wyrt agaynst whosoever bee in the lande during the life of the tenant by the courtesy, or tenaunte for terme of life & not after their death. D. 12. C. 3. And this wyrt may be made in the p^rer, Cui, or Post. And the Proces in these two w^rittes is Somons, graunde Cape, & petit Cape.

Addicion.

Note

Proces

¶ Note ye: that this w^{rit} was mainte^{ned} by the tenaunt in talle in ^h reuercioⁿ and the w^{rit} made mencion of the talle.

¶ Note ye: that this w^{rit} was purcha^{sed} durr^{ing} ^h life of the tenant for terme of life, and hangyng the w^{rit} the tenant dyeth, yet the w^{rit} was awarded good, for that, ^h he was a stranger to the w^{rit} & also ^h accio is brought of ^h alienacioⁿ.

If a man let landes for terme of life, ^h ^h 18. C. 2. remaynder to another in fee by fine, the tenaunte for terme of lyfe made a feoffe^{ment} in fee, hee in the remaynder in fee brought the said w^{rit} and the w^{rit} was good by the oppinion of the courte.

Note ye: that the graunt of the reuer^{sion} brought the said w^{rit}, and was iudged good: ex assignatione. &c. ^h 12. C. 2.

A w^{rit} de cessauit per biennium.

Rex vi^{ti} salutem. D^{ic}et A. q^{uo}d. &c. redd^{ere}. B. bnum A. w^{rit}te de R^{em}ess. cum pertiⁿ in A. q^{uo}d. id^{em} A. de eo tenet per cessauit p^{er} biennium certa seruitia. Et q^{uo}d. ad p^{re}fat^{um}. B. tenenti debeat p^{er} nium is suche formam statuti de comuni consilio regni n^{ost}ri Anglie inde p^{ro}uill^{it} eo q^{uo}d. p^{re}dictus. A. in faciendis seruitis p^{re}dicta p^{er} biennium iam cessauit: vt d^{ic}t^{um}. Et nisi fecerit &c. Teste. &c.

This w^{rit}te lyeth where my berpe tenaunte holdeth of me certayne landes or tenementes by the seruyces of ho^{me} image and sealtpe, & to gene to me euerpe yere at certayne termes of the yea^{re} certayne rente of which seruyces I was sei^{sed}

T. liii.

sed by

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sed by the hande of the tenant, then if he
cease of the payment of the sayde rent by
two hole yerres, so that I could not finde
adistres in the said tenemētes. s. no good
des wherby I myghte distreyne hym to
haue payd the sayd rent but suffereth the
landes to lye freie without mainurāce
after the said two yerres pass, the sayd te-
nements because of the cesse ought to re-
uert to me, and then I maye recouer by
this wꝛit against my tenant oꝝ hys heir
oꝝ against whosoever be in after the said
cesse by. ii. yerres. And note: if he against
whō my wꝛit is brought, come in court
afoze iudgement gyuen, and paye to me
the arrerages & damages reasonable for
the said cesse, & fynde surety (as the court
wyl awarde) that he shal cesse no moze of
the paiment of the rent, then he shal hold
stil the said tenements, so that I shal not
recouer by this wꝛit. And note ye: that y
hepꝛe may not mayntaine this wꝛit be-
cause of a cesser made in tyme of his an-
cestour, noꝝ shal haue no rent, suite, noꝝ
arrerages due in y lye of his ancestour
And also it is sayde that thys wꝛit lyeth
of the cesser of no seruices, but of yerely
seruices, as of rent & suche lyke, & not of
homages, fealty, escuage, and relief, for
these are no yerely seruices. And note ye
that if I dye seyled of pearely seruices, &
the

the tenant cesse the two yerres next after my death so that my heire was neuer sey sed of the seruices, yet my heir shal haue the said w^{rit} against the saide tenant or his heire, or against what person soener that is tennant, & he shal name hym selfe heyre to hys father in the w^{rit}. And so is the statute of Westm. 2. ca. 21. whych be gynneth: Cum in statuto apud Glouc. &c Addition.

In a *Cessant* the w^{ritte} was, that one J. T. 8. C. 3. holdeth certayne landes by certein seruices, & that the sayd J. hath cessed, and declared that J. holdeth of hym the maner of M. wherof the Carue is parcel by certayne seruices, and that the tenant hath no entre but by J. and the w^{rit} was chal lended: for y^e, that he declared that y^e hole maner was holden of him by certein seruices, & he assigned the cessour but in the land demaunded that is parcel of y^e maner where he ought to haue assygned the cessour in y^e hole maner, & that exceptio was not allowed, for the cessour shal not be assygned but in the land demaunded.

A *Cessant* was brought agaynst A. & de. M. 19. C. 3. clared that B. helde of him, and that the tenemētes ought to reuert: for that, that the said A. hath cessed, & the w^{rit} alwar ded good without speaking of any entre. An. 31. C. 1.

In a *Cessant* be found. liti. pledges and the

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the court awarded if the rent be behinde after that the lord shall distrayn in the lande of the pledges.

9.33. C. 2

Two coparceners are entitled to haue a *Cessavit*, the one hath issue and dyeth hee that suruiueth shal not haue the accion. Otherwyle it is of ioyntenantes. If the husband hath a seignory in the ryghte of his wife, & the tenant cesse, and after the housbande dyeth, the wyfe shall haue the *Cessavit*.

9.10. C. 3

In a *Cessavit* the ternaunt sayde that hee hath declared in the ryght of his church in the writ is not comprehended: q̄ clamat esse ius ecclesie sue, & therfore he demaūded iudgement, but the ple was not allowed: for ȳ, that the abbot shal not make tyle in this writ, for that, ȳ it is geuen by the statute.

9.33.

Note ye: by Prisot, that a *Cessavit* lyeth of suite of court yf the lord hath a court, yf not the ternaunt may alledge that.

9.17. C. 2.

9.10. C. 3.

A *Cessavit* was mayntayned by an infant: for that, ȳ it is geuen in place of auowze notwithstanding that it be a writte of ryghte in his nature.

9.19. C. 3.

Note ye: that a *Cessavit* lieth not for the donour agaynst the done but yf lande be geuen in talle the remaynder ouer in fee, the chiefe Lord shall haue a *Cessavit* against the tenant in talle, for that, that the

the lord shal not be barred by the acte of
a straunger.

A wryt de cessauit per biēn-
um de feodi firma.

Rex viē salutē. Pre. A. qd. ac. redd. B. unum
mess. cum perti in A. qd. id. B. eid. A. dimisit ad
feodi firmā reddēd. ide. p. annū eidē B. tē. p. se
balorē mess. p. dicti. Et qd. ad ipsam B. reuerit debe-
at per formam statuti. ac. inde prouil. eo qd. p. dic-
tus. A. in solutione firme p. dicte p. biēnium iam
cessauit: vt dic. Et nisi. ac. Teste. ac.

A wryt de ces-
sauit per biēn-
ium feodi fir-
ma is such.

This wrytte lyeth where a manne ge-
ueth certaine lande in fee simple, or in
fee taylor paying to hym and to his heires
in fee ferme by yeare that is to say rente
or to fynde to hym and to hys heires C-
stouers, or clothyng, the whiche charge
so reserued to him & to his heires amou-
teth to y. value of y. fourth part at least, or
more, as to the third part, or to the half,
or the very value of the land or tenement
so charged, then if the sayde fee ferme be
not payd by two hole yerres, nor that hee
may not find distress in the said tenement-
tes within the said. ii. yerres, then shal he
or his heire recouer against the tenaunt
by y. foresaid wryt. And note: that no mā
may distrain for these charges but wher
those tenementes are geuen in taile as a
foze is said, or that they wer geuen in fee
simple afore the statute of *Quia emptores ter-
rarum*, &c. for yf tenementes bee geuen
in fee

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In fee simple after the statute aforesayde
a man may not distrayne. And note per
the heire shal not haue this wryt because
of such charge behynde in tyme of his an-
cestour. And the Proces is in thys wryt
graunde Cape, and petit Cape.

¶ A wryt de Cessauit de cantaria
per bienium.

A wrytte de
cessauit de ca-
ntaria per bi-
enium is suche

Rex vñ salutem. Prece Johanni abbat de A.
quod reddat. B. vñ me. cū pñ in A. qz A. pa-
ter predicti B. cuius her ipse est dimisit E. quon-
dā abbati et iūc suis abbatibus de A. predicta
ad inueniendum quēdam monachū pro animab⁹
predicti A. a hered eiusdē A. in abbat de A. predicti
diuina celebra. Et quia ad prefatum. B. reuertī
debet per formam statuti de cōmuni. cōsilio regni
nostri Anglie super huiusmodi dimissione prouisi,
quia predict⁹ Johānes inueniendū predictum mo-
nachū per bienium iam cessauit: vt dīc. Et nisi fe-
cerit. &c. Teste &c.

This wrytte lyeth where a man geueth
landes to any church to fynde for the
soul of him and his aunccestours and his
heires, and candel or lampe befoze the
Sacrament to burne for a certain tyme,
or to do any almes, viz as to cloth or fede
certain poore people euery yere, or to do
diuine seruice in any chapelle for theyre
soules. &c. vt supra. Thā if the said char-
ges be not done, and that a man mai not
fynde distress vpon the grounde by twoo
yeres, then he or his heires shall haue the
sayd wryt after the sayd. ii. yerres past, a
gaynst

gainst whosoever that is tenant after *h* Cessour. And note ye: that these wryttes aforesaid may be made in *h* Per, Cui, or Post but I beleue that this writ may not be made but in the firste degree. And the Proces as afoze is said.

Proces.

Addicion.

An a Cessuit againste a prest of chauntera, supposing that he holdeth the same tenementes of the wife of the demaundant by the seruices to sing euerý sondaye in the pere masse and mattins, & *h* he and al his predecessours hath holden the sayde tenemētes by such seruices, time out. &c. the which landes to them ought reuert, for that, that he hath cessed by. ii. yeres, & for that, that the statute is, quod cōpetat accio donatori aut eius heredi, and *h* he hath not declared that it was dono, or of whose gifte he holdeth the lande, the writ was abated.

M. 7. B. 2.

A writ de contra formam collationis
*R*ex viē salutem. Precepto A. abbati de R. quod
*R*ex reddat B. unū mēl. cum pertiū in B. q. ei-
 dem domui collatum fuit in liberā elemosinā per
 predictū B. Et q. per alienacionem per predictum
 abbatem contra formam collationis predictę in-
 de factam in feodo ad prefatum B. reuerti debet
 per formam collationis predictę: ut dicit. Et nisi
 fecerit, ut supra: Teste. &c.

A writ de con-
 tra formā col-
 lationis is
 such.

This writte lyeth where a manne ge-
 ueth landes or tenementes, or rente,

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to any Abbot or priour of any house of religion, or holy church to haue and hold to him and to his successors in pure almes or otherwyle to fynde certain poore people, or to make certayne diuine seruice as afoze is saide in the writ of *Cessavit de cantaria*, than yf the sayd Abbot or priour, or any of hys successors make a feoffement with assent of the said tenementes to the dilherison of the house or church, as for terme of life of the lesse, in taile, or in fee, he that so did geue the sayde tenementes or his heire shall haue the sayde writ agaynst the souerayne of the sayde house or church that made y feoffement, or agaynst his successor, yf the feoffour be dead, & not agaynst the feoffe that is tenant of the lande, as it appereth by y statute of Westm. 2. Capi. 41. which beginneth *Cum statuit dominus rex. &c.* and whan hee hath recovered agaynst the abbot, than shall goe a writ of execucion to the shirif to deliuer seyson of the land. And y Proces is *Homons*, graund Cape, and petit Cape.

Addicion.

h. 20. C3. Note ye: that yf auowson be geuen to an abbot in fre almes, and graunt the said auowson, at the next auoydance the donour or his heires may present, for that that he may not haue a *Contra formam collationis.*

Proces.

nonis.

And note ye: that when he hath recovered against an abbot in this writte, & **H. 23. E. 2.** hath a *scire facias* against the tennant, hee may trauers the accion of the demaundant in the same point y^e was tryed afore betwixt the Abbot & the lord, for that, y^e this recouere byndeth no strangers but priuies, as in other cases.

A Wryt de forma donationis in the dyscendze.

Rex v^{obis} salutem. Precepe A. quod iuste. &c. redd^{at} B. unum mess. cum pertin^{is} in A. quod. C. dedit A. writ de forma. B. & C. vxori eius et heredibus de corporibus ma. donationis ipsorum B. et C. exeuntibus. Et quod post mortem dictorum B. & C. prefato. B. filio & heredi is lych. predictorum B. & C. per formam donationis predict^e discedere debet. Et nisi fecerit. &c. Teste. &c.

This writte lyeth in case where a man geueth certayn landes or tenementes, or rente in free maryage, that is to saye to a man with his cosyn in maryage, or to a man and his wyfe & to the heires of their two bodies begottē, or to a mā & to his heires of his body begotten (males or females) if that man or womā to whome the lande is so geuen hath issue of his body & dyed, & a stranger abate, or if y^e done make a feoffemēt of those landes by fine or without fyne, or yf he bee disseised of those tenementes, or if a man those recouer by default in the kynges courte, than
after

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after the death of the same mā to whō the land is geuen, his heire of his boode be gotten shal haue the said writ. And note ye: that tenementes in such maner geue are called tailed lādes. And note ye, that the heire of suche tenauntes shal neuer haue other wyrt of the possession of hys auncestour, than the said writ, but of his owne possession, he maye haue assyse of Pouel diss. or a writ of entre byō disseysion accoꝝding to his case, and y^e formed in the disceñdre is the writ of Ryghte to the heire in tayle. And note ye: that it is a good barre in the said writ to plead the feoffment of the auncestour with a warranty, and y^e the tenant wil auerre that y^e heire hath assz by disceñte in fee symple notwithstanding the statute of Westm. 2. Cap. 1. which begineth. In pꝛimis de tenementis. &c. yf the heire in y^e tayle hath assz by disceñt vt supꝛa, & he hath yssue & make a feoffment of the assz that is in fee symple, and died though y^e his father had assz by disceñt and was barred, this heire shal not be barred, soꝛ euery heire in the tayle is pꝛiuy to recouer the lande tailed except that he hath aduantage by disceñt in fee symple. Othervyse is wher a man maketh a feoffment of the land y^e he hath in ryghte of his wyfe in fee symple that he holdeth by y^e courtesy & dieth,
and

and value in fee simple descendeth to his issue that is heyre to the wyfe, though y the heyre sell the fee symple after, & hath issue and dyed, that issue shalbe barred to demaund of the seison of hys mother: for that, y his father was barred at one time. And note ye, that if the father tenant in tayle in possession entre in religion and be professed, hys heyre shal haue y sayde w^{it}, & it shal say thus. *Post q^u pater suus habitum religionis assumpsit &c.* But if y father make a feoffement afore the entrie in religion, y sonne shal not haue y sayde w^{it} during y natural life of hys father. And it is sayde, that if the tenaunt in the tayle dye withoute issue of hys bodye, so the lande is reuertible to the donour, yet the wyfe of the tenant in tayle shal haue her dower. Also it is sayd, if lande be geuen to a woman & to her heyres males of her body begotten, if she take a husband and hath issue female, & the wyfe dye, the husband shal not hold by courtesy for y, that it is impossible that the issue female shallenherite, but if lande be geuen to a man, and to his heyres males, it is sayde that if he hath issue male & dieth, the issue hath fee symple. And note, that a manne shal laye the takyng of the profites in a fozmedon in the dyscender onely in the person of him to whom the lande is geue

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In the talle, & the demaundant in this ac-
cion shall make hymself heyre to the au-
cestour that was last seised. And note ye,
that if þe tenant in talle hath issue a sone
& a daughter by one woman, & a sone by
another woman, & dyeth the sone by the
fyrst woman entreth and dyeth seyled, þe
sone by the second woman shall enherite
and not the daughter, for he is more wor-
thy of blood, & more nere heyre to the fa-
ther to whom the land was geue, other-
wyse is of lande in fee simple. And note
ye: how the demaundant may mayntain
the sayd writ where the tenant pleadeth
that the donour dyd not geue &c. the de-
maundant may say that he shal not haue
his auerrement, for one J. D. impleaded
my father, & he bouched the same J. & en-
tered into the warrantie, & pleded & lost þe
same land that now is in demaund iudge-
ment &c. And note ye, that in a formed
in the dyscender a warrant of any of the
auncestoures by whome the heyre made
conuenance is no barre, except þe hath
land in fee simple descended to the value.

Addicion.

¶ Land was let for terme of lyfe, the re-
maynder in talle, þe tenant for tearme of
lyfe dyeth, & the tenant in talle, & hath is-
sue & dieth & þe issue bringeth a formed. in
the discender, & alledgeth no esples in the
donour

donour, but in the tenaunt for tearme of life, & after his death in him in h remainder in tayle, & the declaracion was chalēged, for that, y he alledged no esples in h donour, & h ercepçio was not allowed.

¶ Tenant in tayle erchaunged the land An. 18. B. 6 tayled for land in fee simple (by dede) and bound him & hys heyres to warrantye, & hath issue & dyeth, & the issue byngeth a formdon & the tenant pleadeth in barre the dede with warrantye, & the land taken in erchaunge by way of assyse, y was holdē no barre, if the heyre hath not occupied the land taken in erchaunge after the death of hys auncestour.

¶ The tenant in tayle afoze the statute B. 44. E. 3 made a release for tearme of life, & relefed afoze the stat that is a barre to his heire.

¶ In a formdon of rent, the warrant of B. 33. E. 3 the aūcestour with asses is a good barre, yet the rent lyeth not in discontinuance, but at the will of the issue but it is h foly of the issue to byng his accion.

¶ Note ye, that if the wyfe tenāt in tayle I. 4 E. 1 take a husband, and hath issue, and afoze the statute they both make a scoffement in fee of the landes and dye in a formdō the heyre shall not be barred, other wyse is if it had been by fyne.

¶ A formd. in h discēder was broughte of a knyghtes fee, & the writ was chalen, I. 10. E. 3

U. y.

ged

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ged, for that, that the fee lyeth not in demeane, for he hath declared that the ancestor was seyled as of fee & of ryght, & laid the esples, as in homage, escuage, reliefe, warde, mariage, & other maner of issues of knightes fee, as of fee & of right & Berford sayd, that a comon to a certayne number of beastes nor auowsō lyeth not in demeane, but a *Precipe quod reddat*, and a writ of ryght lyeth of a knightes fee, and by demaund of a knyghtes fee I shall recover by chaunce. rr. xi. of rēt &c. & it was sayd that he shall neuer haue other writ. ¶ In a Forindone the writ was chalenged for that, that it will that A. & B. hys wyfe hath geuen, excepcion was takē, by cause that the gyft of the wyfe is boyde, durynge the mariage, & Berle sayde, that if the wyfe after y death of the husbande had confyrmied the gyfte y was made by her and her husbande, than the gyft was made stedfast, & the writte was alwarded good. A Forindon was brought by J. C. and J. his wyfe, as was sayde whan the sone is seyled after the death of his father the writ shalbe. Et que post mortē predictorum J. et M. fil. & hered. predicti J. defato B. &c. so y they are seyled euerye one shalbe made heyre to other, but whā they were not seyled the writ shalbe. Et que post mortē predictorum J. & M. filie.

In

In a Formedon in the discender by ass. T. II B. 2.
sent of the parties, a dede was shewed to
proue the gyfte, & it was such Sciante &c.
¶ ego Hugo Blot dedi concessi &c. Hugo
ni B. filius Hugoni B. & filiis suis mas-
culis de corpore suo legitime procreatis
maneriū de B. &c. habend. & tenend. ma-
neriū predicti sibi & filiis suis masculis
de corpore &c. de capitali dñis &c. Et qui eo-
rū diutius viuet gaudebit in feodo & here-
ditate imperpetuū. Et si cōtingat predicti
Hugonez sine herede masculo de corpore
suo legitime procreat obire q̄ ex tūc ma-
neriū predicti &c. mihi & hered. meis reuer-
tatur imperpetuū, and vpon this dede it
was demurred in iudgement if the done
hath fee simple, or fee tayle, & the opinion
of the court was that it was a good taile.

**A writ de Forma donationis
in the remayndre.**

Rex vñsalut. P̄t A. q̄ &c. reddo B. vñū meū cū
p̄tū in A. q̄ E. dedit D. et hered de corpore
suo exeunt. Ita q̄ si idē D. sine hered de corpore A writ de for-
suo exeantib⁹ obiret predicti meū p̄lat B. et he- ma donatio-
red suis remaneret. Et q̄ post mortē predicti D. p̄- nis in the re-
fato B. remanet debet p̄ formā donationis p̄e- maynder is
dict eo q̄ p̄dictus D. obiit sine herede de corpore such.
suo exeant: vt dic. Et nisi fecerit &c. teste &c.

This writ lyeth where lande or te-
nement is geuen for tearme of life
or in tayle to a man, & for default of
U. iii. issue

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issue of hys bodye to remayne to another man, as afoze is sayd, in fee, or for terme of lyfe, than if h̄ ternaunt for terme of life dye, or the ternaunt in taylor dye without issue of hys body, & a straunger enter, he in the remainder shal haue the said w̄it. And in case that the remaynder be graunted in taylor, & he in the remaynder dyeth seysed by force of the remaynder, h̄ issue of hym in the remaynder shal haue no other w̄it but a w̄it of Formedon in the discender, but if he in the remaynder was neuer seysed, h̄ issue shal haue a Formedon in the remaynder & not in the dyscender. And it is sayd, where land is let for term of lyfe, the remaynder ouer, & the tenant for terme of lyfe is impleded, & vouche to warrant hys lessour &c. & the ternaunt for terme of lyfe recouer other land in value, he in the remaynder after the death of the tenant for terme of lyfe shal recouer by a formedon in h̄ remaynder those landes so recovered, as well as if the ternaunt for terme of life had continued hys estate in those landes recovered agaynst him, for that, that the tenant for terme of life recovered to h̄ value by the same taylor upon whiche the remaynder was taylor. Otherwyse is of a reuercion, for that, h̄ he hath recovered upon another dede than upon h̄ dede by which the reuercion was graun-

graunted, but if the tenant had vouched hym to whom the reuercion was graunted, because of the reuercion, & he had vouched ouer the lessour, & had recovered to the value, the reuercion shalbe to hym to whō the reuercion was graunted & not to the lessour. And note ye, if a tennaunt in taylor make a feoffement with a warrant, or release with a warrant, & dye without heire of his body, so that he in the remaynder is heire to him, he shalbe barred woute discent of assēs, so, y, that this warrant is not restrained by the statut. And if the tenant for terme of lyfe make a feoffement with warrant or release with warrant, & dye without issue, so that he in the remaynder is heire to hym in a forimdon in the remaynder he shalbe barred by the dede with warranty, except that the warranty be defeated in the lyfe of the tenant for terme of lyfe.

¶ And note ye: that after the view the tennaunte shalbe receyued in a forimdon in the remaynder to demaunde what he hath in the remainder, and except that he hath the wrytyng to shewe, all tymes hanging the plee, he shalbe barred, & yet the tenant may take no issue vpon the dede but ought to aunswer to the gyft, & if the sayd writ be broughte by him to whō the remaynder was taylor after the death of

Nota.

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the tenant for terme of lyfe, if he demaund
fee simple, or fee tayle, he ought to laye hys
esples in the person of hys donour, as of fee
symple, & in the person of the tennant for
terme of lyfe as of fre hold, but if he de-
maund by remaynder, but for terme of
lyfe, he shal lay the esples only in the per-
son of hym that made the dede.

Addicion.

2.29. B.6

¶ If the remaynder be tayled to a womā
& she take a husband, the wyte shalbe *Rema-
nere debet*, to the husband, and to the wyfe,
and so is of a Formdon in the reuertor,
but in a Formedone in the dyscendz it
shalbe to the wyte only.

3.10. C.3

¶ In a Formedon in the remayndre, the
tenant demaunded what he had of the re-
mainder, & so the other sayd y he brought
assyse of Pouel dist. of thesame landes, &
the tenant in the assyse pleaded in barre,
and he made tytle of thesame gyfte, & the
gyft was founde, the demaundant was
indged persō able by hys recouery to main-
tain this accion without shewing other
dede, & yet the pleyntife toke nothyng by
the assyse, for that, that it was founde y
the pleyntife was not disseyled.

3.26. B.6

¶ In a Formedon in the remayndre, the
partie nede not shew no dede vnto hys par-
ty demaund what he hath of the remain-
dre, but if executores byng an accion
they

they ought to shew the testamēt without
desyre of the partye defendaunte, for the
court shall not holde plee, except that the
testament be shewed, and that in dette.

**¶ A writ de Forma donationis
en le reuerter.**

Rex hīc salutē Dīct A. q. ec. redd B. vñā meā **¶ A writ de**
cum pertiñ in R. qd E. pater p̄dicti B. cuius forma donat
heres ipse est dedit D. et J. broz eius, & hered de onis en le re
corporibus suis exeunt. Et q post mortem ip̄ozū uerteris such
D. et J. ad p̄fat B. reuert debet per formam do-
nationis p̄dictē eo q p̄dict D. et J. obierūt sñ hē-
redibus de corporibus suis exeuntibus ut dic. Et
nisi fecerit &c. testē. &c.

This writ lyeth where landes or tene-
mentes are geuen in the tayle as afore
is sayde, if the tenaunt dye without issue
where ther is no remainder, and a stran-
ger enter in the sayde tenementes, the
donour or hys heyre shall haue hys reco-
uery by thys writ. And note ye, that this
writ lyeth after the death of no tenaunte
but after the deth of tenant in tayle. And
note ye, that in this writ the espies shal-
be layde in the person of the donour, & in
the person of the done. And the proces in **Proces.**
these. iii. wyttes is Somons, graunde
Cape, and petit Cape.

¶ Addicion.

¶ In a Formedon in the reuerter the te- T. 2. B. 6.
nant sayd, that the gyft was made to the
done & to his heyres, and assigns iudge-
ment

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ment of the accion, & that was holden no
plee without trauersyng the gyft.

E. 7. C. 3.
E. 3. C. 3.

In a Formedon in the reuerter, the ter
nant sayd that the gyft was made to hym
to whome ye suppose the gyft in fee with
warrant iudgemēt if cōtrari the dede &c.

B. 18. C. 2.

Note ye, that if the donour hath issue
two sonnes, & the eldest sonne dye with
out issue in the life of the father and after
the father dyeth, if y^e yongest sonne bring
a Formdon in the reuertour, he shal not
make mencion of his brother, except that
he suruyned his father.

¶ A writ de Particione facienda.

**A writ de
Particione
facienda is
such.**

Rex vñ salutē. Si A. fecerit tunc lūm &c B. q
lit &c. tali die ostensurum. Quare cum idem A
& B. in simit^r et p^ro indeu^rso tenent quendam bōs
cum in A. cum p^rtiū de hereditatē que fuit J. pa
tris p^rdictorum A. & B. cuius herēd^r ip^ri sunt in
A. idem B. partitionem inde inter eos secundum
legē & cons^r regni n^ri Ang^r faciendam contrad^r
et eam fieri non permittit minus iust, vt dic. Et
habeas ibi &c. teste &c.

This writte lyeth in case where a man
is seysed of landes and tenementes in
fee, and hath two daughters and dyeth,
or seysed of land in Gavelkynd and hath
issue. ij. sonnes, & the one will not make
particion of the landes so discended, y^e o^r
ther that wil make particion, shall haue
this writ agaynst her, or hym that will
not, for that, that they are heyres to the
sayde

sayd man ioyntly &c.

¶ Addicion.

¶ In a *Particione facienda* agaynst **T.** and **A.** An. 29. b. 6
hys wyfe, of land that discended to them
as colyns & heyres to one **R.** the tennaunt
sayde that **R.** in hys lyfe enfeofed one **J.**
in fee, whiche **J.** infeoffed the sayde **T.** in
tyle withoute that, that the playntife, &
A. wyfe of the sayd **T.** helde in comon oꝝ
bndeuyded the day of the wꝛit purchased
oꝝ euer after, and this is a good barre.

¶ In a *Pertitione facienda* of lande and rent, **¶** 4. b. 7.
the tenant sayde that the aunccestour en-
feofed a straunger of the lande whose es-
tate the tenant hath, & as to y^e rēt, he sayd
that he was sole tenant, without y^e, that
he holdeth bndeuyded, & the plee was cha-
lenged in so muche that he is no tytle to
the lande by any feoffement noꝝ other ti-
tle and shalbe intēded tenant as the wꝛit
supposeth, and the opinion was, that the
plee is good.

¶ Note ye, that it is sayde, that tennaunt **¶** 3. b. 4.
in comon ne ioyntenant shal not be cō-
pelled by the law to make particion, but
if it be made by agreement, it is good as
well without dede as with dede.

¶ A wꝛit of *Pertitione facienda* broughte by **¶** 8. c. 2.
the husband and the wyfe agaynst the o-
ther parcener, and declared how the hus-
bande and the wyfe as in the ryght of the
wyfe

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wyse, & the other persener held in cōmon certayn lande & conueyed the discent frō the cōmon auncestour &c. ȳ parcener cāe by Gardeyn: for that, that she was with in age, & might not denye that they helde in comon by the maner, but Herle sayd, that he could not see how ȳ particion can be made as lōg as she is win age by writ but out of the court it may well be as in the countrey: for that, ȳ she maye defeate it whan she will.

¶ A writ de Premunire facias.

¶ A writ de
Premunire
facias is such.

Rex hīc Cantuar salutē. Cū in statuto in par-
liamento dñi regis Angl̄ scdo apud Winton
An. regni sui. 15. tento edito inter cetera ordinatū
sit & stabilitū: q̄ si aliquis impetrauerit aut p̄secu-
tus fuerit seu impetrari vel p̄sequi fecerit in cuius
Rōm vel alibi aliquos p̄cellus snias, ex cōmunicā-
dum bullas instrumenta, vel alia quecunque que
tangunt nos, coronam regaliam, seu regnū n̄m
et illi quies in dictum Regnū nostrum detulerint
aut ea receperint, vel inde notificationē, seu aliā
executionē quācunque infra idem regnū n̄m seu
extra fecerint: ipsi notarii, procuratores, manutē-
tores abettatores, fautores, et cōsiliarii sui extra
protectionē nostram ponant, et terre, tenementa,
bona, & catalla sua sint nobis forissacē. Et q̄ ipsi p̄
corpa sua attachientur si poterint inueniri, & co-
ram nobis et consilio nostro ducātur ad responde-
dū ibidē super casibus supradictis vel p̄cellus fi-
at versus eos p̄ premunire fac modo quo ordinatū
est in aliis statutis de prouisoribus & aliis q̄ in
alienis cū in derogationē regalie n̄e p̄sequun-
tur prout in statuto p̄dicto plenius continet. Itē
que

que ex grau querela w. de C. acceperimus: qd li-
cet cognitiones pñtorū transgressionū, cōtēptum
aliozūq; laicozū contractū quozūcūq; infra R.
nēm Anglie qualitercūq; facē & ppetrat ad nos,
coronā & dignitatē nēas specialiter ptineat. Quia
dā tamē Robertus C. nup de w. in cōm tuo statu-
tum pñdictum minime ponderans machinans nos
& coronā nostrā exheredaē et cognitionem hñōi
pñtorū de trāsgressionibus q̄ ad nos & coronā no-
strā sic ptineant ad illud examē extra regnum no-
strū pñdictū trahere & pñdictū w. ac alios de sub-
ditis nostris indebite p̄grauare & aduersus curiā
Rōm se diuertebat, et ibidem absque licentia no-
stra adhuc residat atq; q̄ plures p̄cessus sentētias
et citationes versus ipsum R. ad ipsum w. ac ali-
os de subditis nostris pñdictis extē reg. nostrū p̄-
dictum trahendum ad respondendū p̄fato p̄po-
sito dicta curia Rōm extra Regñ nēm Anglie de
quibusdam trāsgē sibi vt dic. illatis ac quam plu-
ra alia nobis et corone nostre p̄iudicialia ibidē
p̄secutus fuit eaq; per J. R. nuper de C. Genē
apud w. p̄nunciari, publicari, notificari, & executi
demandari fecit et fieri p̄curauit in nostri con-
temptum et p̄iudiciū et exheredationes co-
rone nostre periculum manifestum: et ipsius w.
dampnum non modicum et grauamen ac contra-
rium formam et effectum statuti p̄dicti. Nos sta-
tum illud inuolabitē obseruari, et illud impu-
nantes iuxta eozū demerita castigari volentes
& puniri. Et quia p̄dicti w. fecit nos secus de clari-
fuo p̄cō per. A. B. C. D. de f. tibi precipimus qd
per bonos & leg. hoēs de balliua tua p̄munire
fac̄ p̄fatis p̄positi et J. R. p̄curatorem, manu-
tentorem fauorem, consiliariū, auxiliatorem, et
abettatorem ipsius p̄positi in hac parte: quod
tunc sint coram nobis a die Pascha in. xv. die-
bus

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bus ubique tunc fuerimus in Anglia ad res
pondendum tam nobis de contemptu & preiudicio
predicti p[re]fati w. de dampnis & iniuriis sibi in hac
parte illatis. Et ad faciend[um] ulterius & recipiend[um]
q[uo]d curia n[ost]ra c[on]siderat in premis. Et habeas ibi
nomina eorum per quos eos premunire fec[er]is hoc
breue nos de die & loco quibus dictam premuni-
tionem sibi feceris sub sigillo tuo distincte & aper-
te tunc certificans &c. teste &c.

Thys wrytte lyeth where anye prouy-
sour such proces to the court of Rome
agaynst the present of the kyng or of any
other patron, than the presēt of the kyng
or other patrone shall haue, thys wrytte
whiche shalbe directed to the shryffe cō-
maunding him to warne the prouisor, y
he dyssturbe not the present of the kyng,
or of anye other persone. Also these pro-
uysours, procurators and notaries shal
be attached by theyr bodies, and putte in
prison vnto such tyme y they haue made
fyne & raunsome to the king, & gre to the
party. And after y they haue made raun-
some, & gre yet afore that they be deliue-
red they shall fynd suertie that they shall
not sue by thesself ne by other in the court
of Rome ne other places for suche impris-
onment & raunsome. And if those prouis-
ours, attourneys, executors, procura-
tors, notaries may not be found thā y Cr-
igēt shalbe awarded agaynst the & a writ
shall

shal goe to take theyr bodys aswel at the suite of the partye as of the kyng, and in the meane tyme the kyng shall haue the p[ro]fit[es] of thesayte benefice so by suche p[ro]uissours occupyed except of abbeses, p[ri]ours, and other houses that hath colledge or couent. And that is geue[n] by the statute de Anno. 20. C. 3. in the myddes. Looke moze of thys matter in the laste Chapter of thesame yere. And also in the 27. yere of thesame kyng.

¶ Addicion.

¶ Note ye, that a *Quare impedit*, brought by p. 3. d. 6 the kyng, and he declared that the defendant hym dysturbed by p[ro]uission sued to the court of Rome, and are at issue vpon that poynte, and founde for the kyng, yet the iudgement shall not be geuen accordyng to the statute, nor the party shal not haue the payne that is geuen by the statute, but it is great euidence in the other w[ri]t broughte vpon the statute.

¶ Note ye, by the opinion of manye, a An. 36. d. 6 manne maye haue thys w[ri]tte agaynst one, as p[ro]curatoure agaynst another as counsellour, and agaynst the thyrde attourney, and the damages shalbe taryt severallye.

¶ In this w[ri]t some made default, & some Ap. 5. C. 4 appeared: and for that, that the w[ri]tte was naught it was abated, & no iudgement

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ment geue agaiſt the that made default.
And the ſtatute is in curia Rom̄ bel ali-
bi, y which alibi is to entende in the bys-
shops court: for if a man be ſued there for
a thing that belongeth to the comō lawe,
he ſhal haue a *Premunire*.

P. 2. C. 4.

And note ye, that it hath been opinion
of many, y if a clerke ſue another clerke,
or other man in the courte of Rome, of a
thyng ſpirituall where he maye haue re-
medy of that in hys ordinaryes court w^h
in the realme, that is within the ſtatute,
but I beleue that it is no law. If a lord in
court baron hold plee of det of .xl. s. or a-
boue which ought not to be demaunded
but in the kynges courte, it is ſayde that
the lord ſhal be in caſe of a *premunire*.

¶ A writ de Quare ei deſorc.

A writ de
Quare ei de-
ſorc is ſuch.

Rex viē ſalutē. Precipe A. qd̄ ꝛc. reddū B. vñs
meſ cū ptinen in A. q̄ clamat eſſe ius de rati-
onabili dote ſua vel q̄ clāt eſſe ius ad maritagium
ſuum, vel q̄ clamat tenet ſibi et hered de corpore
ſuo exunt, vel q̄ clamat tenere ad terminum vite
ſue et quod idem A. ei deſorc. Et niſi ꝛc. non dica-
tur iniuſte deſorceat, quia le iniuſte nō habetur
in ſtatuto. Nota q̄ p̄ tenere per legem Anglie nō
cōtinetur bñe in ſtatuto ſicut alibi poteſt manu
tenere per illud ſtatutum in conſimili caſu.

Thys writ lyeth where tenaunte in
tayle, frankmarriage, dower, cour-
teſy, tenaunt for tearme of lyfe, for
terme of another mans lyfe loſeth by de-
fault

faut their landes, then themselues shall haue this writ against him that recouered, or against his heire, or against what persō so ener be in the tenācie. And note ye that this writ in his nature is a writ of right for the foresaid tenauntes, for a writ of more hve nature then this maye they not haue for their tenementes. And note ye: that this writ lieth for no other person but for him y lost the said landes. And is giuē by the statute of Westm. 2. Proces. Cap. 3. in the ende: And the Proces is commons graunde cape, and petit cape.

¶ Addition.

Note ye: that vppon a reconere by de. T. 21. H. 6. faut in a writ of wast a *Quod deforcat* lieth not but a writ of *Disceyt*.

If landes be let to a woman sole for terme of life with warrātye & she taketh a husband & they lose by default, a *Quod deforcat*, lieth not during the life of y husbāde, for the writte supposeth that they haue lost where the husbāde hath nothig but by reason of his wife so was not he tenant for terme of life, & also they shall not haue the vouches, for the writ supposeth *quod clamat ad vitā* of the wife, in which case the statute giueth no sache vouches but where the tenāt by courtsepy in taylor, or for terme of life lose &c. and the husbāde is none of those. Bat

Natura

In this case the wife shall haue a *Cui in vita* after the death of the husband, but if thet had had a ioint estate, than the *quod ei de for* ceat lieth.

pp. 46. C. 3.

A man hath issue. ii. sones, & is seysed of land tailed in Ganelkinde that is pt. able betwixt heires males & dieth, & they entre and lose by default, they shal ioyne in a *Quod ei de forceat*, and the w^{yt} shal be. *Quod clamat tenere sibi et hereditibus de corporibus eorū* &c. And yet it is impossible that thei shal haue issue betwixt them.

pp. 29. C. 3.

And note ye: that h^e demaundant shall not declare of whose gift noz the tenant shal not haue hearing of y^r recozd, if a mā recouer by defeaute in a *scire facias*. But of a fine againste tenaunt in taile, and he brought a *Quod ei de forceat*, & the other maiⁿ teined the title of his first w^{yt}, h^e tenant in taile may vouch, and yet in h^e *scire facias nisi*, no voucheth lieth. &c.

¶ A w^{yt} de warrantia carte.

A w^{yt}te de
warrantia
carte is such.

R Ex vi^e salutem. Bre^e d^e p^{re}sentis ac. warrantizet B. vnum mess. cum p^{re}sentis in C. quod de eo tenet clamat & vnde cartam suam habet vt dicit vel sic vnde cartā C. patris, m^{at}ris, fratris, sororis : et sic de singulis cuius heres ipse est: vt dicit. &c.

This w^{yt} lieth where a man hath enfeoffed me in certayne landes o^r tenementes with clause of warraunty o^r releaseth, o^r confirmeth my estate w^{yt}h clause of warranty, and the tenāt is impleaded

pleaded of the same lādes, oꝝ tenemētes
of a straunger, than if the tenaunt may
not bouche to warranty, he shall haue h
sayd wꝛit against his fcoffer oꝝ his heire
And note ye: that if this plee be not begō
during the first accion, the tenant shall
be barred foꝝ euer to haue his wꝛit, Que
re. And the Proces is in this wꝛitte Sō
mons, Attachement & distres infinite, & Proces.
if he come & pleade, & after make default,
than shall goe the graund distres in the
place of the petit Cape.

¶ Addicion.

In a wꝛit of warrant of Chartours, h T. 3. E. 4.
pleintife declared that h defendānt hym
enscoffed, & that he was impleaded, & he
pꝛated the defendānt to warrāt. &c. And
the defendāt said that the pleintife was
not tenant the day of the wꝛit purchased
iugement. &c. And the pleintif sayd that
he is tenant of the lande, & hath the dede
of the defendāt, and h was allowed, but
he was compelled to say that he was te
nant the day of the wꝛitte purchased. &c.
But if he had sayde at the first, h he was
tenant by his warrant h day of his wꝛit
purchased, that hadben very good to de
reigne the warranty.

If a mā recouer a warranty by a wꝛyt
of warrāt of Chartours, and after he is
impleaded in such an accion that he may

£.ii.

bouche

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bouche, if he bouche not he shall not recover in value by force of þ darrainemēt of the warrant, and it was saide, þ if tenant in taile of rent charge, releffe the rente to the tenant of the lande, and the tenant make a feoffement of the lande with a warrant, the warrant extendeth to the rent: for that, that the tenant was seysed of the land discharged.

Alwyt de Diem clausit extremum.

Alwyt de
Diem clausit
extremum
s lych.

Rex dilecto et fideli suo A. escaetoxi suo in cōm salutem. Quia a de B. qui de nobis tenuit in capite diem clausit extemū: ut accepimus: vobis mandamus: quod omnia terē et tēn de quibus idem A. de B. fuit seistitus in dominico suo ut de feodo in balliua tua die quo obiit sine dilac capias in manum nostram, et ea salvo custodiē fac: donec alium tibi mandamus et per scrip̄ probos et legaliū hominum de balliua tua per quos rei veritas melius sciri poterit diligenter: inquiras quant terē et tēn id A. de B. de nobis tenuit in capite tam in dñico q̄ in seruic̄ in dicta balliua tua die quo obiit et quantum de aliis, & per quod seruic̄ et quantum terre et tñ alla valeant p̄ annum in omnibus exitib⁹ et quod die idem A. obiit et quis propinquior heres eius sit et cuius etatis. Et inquirē inde distincte & aperte fac nobis in cancellariā nostra sub sigillo tuo et sigillis eorū per quos fac fuerit sine dilatione mittas: et hoc breue Teste &c.

Thes wrytte lyeth by the statute of
Marl. Capi. 16. whych begynneth.
Si aliquis heres. &c. where a manne
hol.

holdeth his lande of the kynge as of his crowne by knyghts seruice, and dieth, he that is his next heire or any man for the king may sue this writ to the eschetour of the same countie where the lande lyeth and he shal enquer who is his next heire the quantite of the landes, and the value, in this writ is no Proces, for it is but a writ of office.

Addicion.

Note ye: that if it be founde diuers of *29.33.4.6.* fices in diuers counties. s. in one county that the heire within age, in the other county & the heires is of full age, & that is best for the king shal be taken and & heire shal haue no trauers to that.

If a man holde of the kynge by homage *44.21.22.* & fealte for all maner of seruices & dieth his heire of full age, and sue a *Diem clausit extremum* & it is founde afore the eschetour & he holdeth of him by homage fealte and *xl. li.* if he sue liuere according to the enquest he shal be concluded during his life.

And note ye: that there is fve maners of enquieres ordeined after the death of & *An. 4. 2. 7.* kinges tenat. One is & *Diem clausit extremum* & that is immediate after the death of & tenat. The secod is *Mellius inquirendo*, and & is where & eschetour or the tenant in & *Diem clausit extremum* dieth, or wher & *Diem clausit ex-*

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fremum is not returned. The thirde is *Que plura*, and that is where anye lande is let out. The fourthe is *Deuenerunt*, and that is where the warde dieth. The fift is *Mandamus*, and that is after the yere.

¶ A writ de Estate probanda.

A writ de
Estate probā.
is such.

REx escaetori suo in com D. salut, Quia W. de B. filius A. de B. qui de castro nostro de B. tenuit per seruicium militare dicat se plene etatis esse et petere a nobis terras et tenementa sua que sunt de hereditate sua sibi reddi per quod volumus quod idem W. apud E. natus et in ecclesia eiusdem ville baptizatus fuit ut dicere etatem suam probet coram te tibi precipimus quod ad certos diem et locum quos ad hoc prouideris probationem illam per sacrum tam militum quam aliorum proborum et legalium hominum de balliua tua per quos probatio illa et veritas etas predicta melius sciri poterit et inquiri capias, et probationem illam sic capte nobis sub sigillo tuo et sigillis eorum per quos capte fuerit sine dilatione mitti, et hoc bene Teste. &c.

This writ lieth where the heyre of the kinges tenant by the writ aforesaid is found within age, and when he cometh to his full age he shall haue this writ where by he shall proue his full age, and this writ hath no proces for that, that it is a writte of office. And note ye: that those of the chauncery holdeth for lawe, that if the heire sue his landes out of the kinges handes, which was seised by reason of his nonage, y he ought sue this writte in euery county where y he is found within age, as it appereth. L. 20. C. 3. And note ye:

ye: that euery one that passeth in this enquest shalbe of the age of. xlii. yere at the leaste, so y he was of ful age at the time that he which sueth the writ was bozne.

¶ A writ de Quo minus.

Rex vobis salutem. Precipimus tibi quod non permittas B. A writ de factum vassum seu districtionem in vasso ipsius B. Quo minus in A. quo minus A. rationabile estovatum suum is such. in vasso illo habere possit, sicut illud habere debet et solet, ut dicitur et sicut rationabiliter, &c. Ne amplius inde clamor aud pro defectu iustitie. Te. &c.

This wrytte lyeth where a man hath graunted to another Husbote or havybote in his woods to take euerye yere, & he that graunted may not haue his reasonable Estouers, than the graunt shall haue this writ, and it is the nature of a writ of Waste: And y Proces is Attachment and a distress peremptory.

Note ye: that Husbote is called certain Estouers in another mannes woddess to amende a house and Heibote is called certaine Estouers to amende hedges.

¶ A writ de ad quod dampnum.

Rex tibi escaetori talis coram precipimus tibi quod per scem probatum et legalium hominum de balliva tua per quos rei veritas melius scire poterit diligenter inquiras si sit ad dampnum vel preiudicium nostrum vel aliorum si concedamus dilecto nobis in Christo magistro et fratribus sancti Iohannis Jerusalem in Anglia quod ipse unum totum cum partem in A. p. seodametu

A writte of ad quod dampnum is such.

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I. et **vnā** acratētre cū pertiñ in **M. p.** seoffamentū
B. que idē mē et fēes de predictis **I.** et **B.** post
 stat de fr̄is et reñtis ad manū mortuā nō ponendū
 edic̄ acqūsierunt, et que occasiōe eiusdem sta-
 tuti nostri cepissis in manum nostram tenere po-
 suit eiūde in magistro et fēibus et lucē suis imper-
 petuum iuxta formam seoffamentozum predicto-
 rum, nec ne et si sit ad dampnum vel p̄iudiciū
 n̄m vel aliozū tūc ad qđ dāpnū et quozum qualis
 et quomodo et de cuius seodo tollū illud et terra
 sunt, de quo vel quibus teneant: et per quod ser-
 uic̄ et quantum valent per annum in omnibus
 exis. Et si terre et tenementa predictozum **I.** et
B. remanent vltra p̄dicta terras et tēta **M. p.**
 et fēibus predictis sic adquisit̄ suffic̄ ad seruic̄ et
 constet tam de predictis tenentis sic adquisit̄ qđ
 de tenementis predictozū **I.** & **B.** retent̄ debis
 fac̄ et ad omnia alia enozūia &c. Et qđ eidē **I.** et
B. in assisa &c. p̄o bi s̄ si seoffamentū predictū poni
 consueuerunt. Ita qđ p̄ime per seoffamenta illa
 in ip̄ozum **I.** & **C.** defectum magis solito oner̄it
 seu grauent̄, et inquis̄ inde distincte & apte facta
 nobis in cāc̄ n̄ra sub sigillo tuo et sigillis eozū p̄
 quos facta fuerit sine dilatione mittas. Et hoc
 breue. Teste &c.

THys writte lyethe where a man sel-
 leth oꝝ gꝛueth lande oꝝ tenement to
 any house of religion in mortmain, at
 the begynnyng it is conueniēt that this
 writ be sent to the eschetour of the same
 countye where these landes, oꝝ tenemē-
 tes are, to enquere the extent of the lan-
 des, and what p̄iudice shalbe to h̄ king
 and to the chiefe loꝝde, if they be solde to
 mortmayne. And whan the Eschetoure

hath enquired these pointes & other circumstances comprised in the writ, he shall returne the writ according as it is found by the enquest, & after that, he shall make fine to the king for the alienacion of the landes & tenementes. And than he shall haue a Chartour of licence. For the statute de religiosis: will that no man shall sel landes or tenementes to mortmain. Pe no man shall take landes in such manner and if he do the land shall be seised in the kinges hande, as Escheit. Et vide Magna Carta cap. 36. which beginneth. Non liceat alieni. &c. And the statute of West. 2. Cap. 32. Which beginneth. Cum viri religiosi. &c.

A writ de quo warranto.

Rex vice salutem. Sum p bonos sum A. qd sit coram Justic nris apud westm tali die orens quo warranto tenet vicu franci plegii i vill de B. in preiudiciu hundredi nostri de B. sine licentia et voluntate nra vel predecessoru nroz quonda regum Anglie, et emendas pro trasge assise panis et seruicie in eade cepit in preiudiciu nrm non modicum et granamen: vt dic. Et habeas ibi sum et hoc breue. West. &c.

This writ lieth where a man usurpeth certein franchises against the kyng, as to haue wayffe strayffe market, faire court baron, or other such like without good title, and withoute the kinges licence, and that be presented afore h Justices of Etre, when they are in those

A writte of
Quo warranto
is such.

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parties where such franchises are vsurped, then shal goe the foresayd writ for þe king to the shirife, that he cause hym to come that hath vsurped the franchises, at a certaine day afoze the same Justices & if he may not shew a good warrant or if he come not, then the king shall take fro him his franchisees. And note ye þe thys writ may not be determined afoze anye Justice, but the Justice in Cite and no proces lieth in this writ but he shall be warned vpon his parill.

Addiction.

Ex. 8.39.4.

Note ye if the king graunt to any mā franchises to haue a Gaole, if he wyll not make cost to haue deliuerance, but holdeth the people in prisō that are takē for suspect, the king hath cause to sease the franchises in his hande though he let within his franchises, so that he maye enquire of such felones, he hath no power to deliuer thē, but they ought to be deliuered afore iustices of y Gaole deliuerer

31.22.51. 307.
Photo 34.

If a mā hath a market to holde euery weke of the friday, & he holdeth the market both of the friday, and of the mōday in this case nothing shall be foꝛfayted, but that, that he hath vsurped, but if a mā hath a faire to holde. ii. daies and he holds the faire. iii. daies he shall foꝛfayt all

al for that, that he hath misused y^e fraunches and if a man hath a sayze to holde the friday, and he holdeth that on the monday the fraunches is forsaite, and he shal make fine for the misuser.

¶ A writ de Idemptitate nominis.

Rex Theſ et baronibus suis salutē cum A. per sum nostrā distringatur in com. h. ad soluendū dī marcā ad opus nostrū per quod bēe in Canē nostra per ipsū A. impetratū. vt dic. Et idem A. nullū bēe in Canē nostra pro fine nobis protestād impetrauit: sed pro idemptitate cuiusdā hominis idem nomē et cognomen portantis eodem com. existent per ministros eiusdem vic. ad eand pecuniam nobis prestandam distringatur vt asserit vobis mandamus quod fiet desuper diligēt inquisitō si inueneris ita esse tunc ministros p̄dictos ad distringendum predictū A. occasione predicta de cetero faciendum diligi fac. Et dist. si que ea occasione feceritis sine dilatione deliberari fac. &c. Teste &c.

A writ de Idemptitate nominis is luche.

This writ lieth in case wher any writ of Det, Trespas, Couenāt accompt, or any such lyke is sued against a man, and another man (y^e hath the same name as he hath against whome the writte is brought) be taken for him, then he that is so taken shal haue this writ, by vertu wherof the Shyriſe shal make enquire afore Justices assigned in the same county if he that is so take or distreined be giltty or not, and if he be not giltty, he shal go quit. And if he be giltty, as the writ supposeth

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poseth, he shall answer the party that
sued the first writ, and in the same maner
may this writ be sent to the Justices of
the comon bāke, or to the tresourer and
barons of the Eschequer & to eschetours
vt supra.

A writ de Recto surdisclaium.

**A writte de
Recto sur di-
clayme
is such.**

Rex vñ salutem. Vñe ad petitionē petētis co-
rā Justitiē nñs apud Westm loquentiā, que est
in cōmūo, per breue nostrū inter A. & B. de a-
neris ipsius A. captis, & iniuste detentis vt dic.
Et sum et predictū B. quod tunc sit ibi ad respō-
dendū p̄fato A. et seruicē sibi debet facere. Et hēas
et tesse et Cum ista clausula, quia talis distē de
seodo suo pro consuet. et seruicē sibi debitis et.

This writte lieth where the lord in the
kings court. s. in the comon place a-
uoweth upon his tenant, and the tēnaut
disclaymeth to holde of hym, vpon thys
disclaiour the lord shal haue this writ
and if the lord may auer and proue that
the lande is holden of him he shall reco-
uer the land for ever, but where the tēnāt
disclaimeth in court barō, or in the coun-
ty, the lord shal be amerced, and shal not
haue this writ, for that, that the disclai-
mour is not of recoꝛde, and all this pro-
ueth the statute of West. 2. Cap. 2. whi-
che beginneth. Quia domini feodoꝝum.
et. And the Proces in this writ is So-
mons, graunde Cape, and petit Cape

Proces

Addi

¶ Addition.

Note ye: in what writtes disclaimeour p. 4. C. 4.
 lyeth: in a Per que seruicia the tenāt shal
 not disclaime, for the demaundant may
 not recouer the lād if it be found, agaīst
 the tenant: for that, that he demaundeth
 nothing but attournement.

In a Cessuit the tenaunt shal not dys-
 claime, but he shal saye that he holdethe
 not of him.

Note ye that in auowry the husbände p. 10. C. 4.
 and hys wife maye not disclaime, and for
 that the wiues lande shalbe lost.

Note ye: that he in the reuercion and p. 12. C. 4.
 the tenant for terme of yeres maye dys-
 claime agaīst a baile.

Note ye that the tenant in fee simple p. 9. C. 4.
 may not disclaime agaīst the tenāt for
 yeres of the seignorie.

¶ Here beginneth the Iudiciall writtes
 that are grounded ppon recoueres
 in the sayde writtes.

¶ A writ of scire facias.

Rex vobis salutē Cū h. et R. in curia ꝛc. tali die ꝛc. A writ de
 Anno recogni se debet A. B. C. li. quas ei red- scire facias
 disse debuit in festo S. Martini tunc proxi, sequen- is luche.
 et idē h. R. predictas C. li. eidem A. nondum red-
 didit prout ex graut quere lapsius A. accepim⁹
 Et quia volumus ea in dca cū nōstra recte acta
 sunt debet exequedi demandari tibi precipimus
 quod per probos ꝛc. scire facias predictis h. R. qd
 sit coram ꝛc. tali die ꝛc. ostensū si quod pro se ha-
 beat

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Deat vñ dñr sciat quare predict C. li. de terris et
cat suis in ballina tua fieri pñcto R. reddi non
debeat si tibi viderit expedire Et hñas ibi nomi-
na eroum per quos ei scire fecisti, & hoc bñc R.

This writ is Judicial, and lieth where
a mā hath recovered det or damages
by iugemēt in the kinges court, & goeth
out of the recoꝝde after the yere and day
of the firste iugement than for that, that
it may be supposed that he hath made re-
lease or other acquittance of that, that he
hath recovered, he shall haue thys writ
by which writ the partie shalbe warned
that he be afoꝛe the Justices at a certain
day to shew why execution of the iudge-
ment shal not be made & if he come not at
the day, or if he come & can nothing say,
but that execution shall be made accoꝝ-
ding as he hath recovered, then he y re-
couered shal haue a writ of *Fieri facias* to
the Shirisfe that he make execution of y
iudgement to the pleintife, and that is
by the statute of Westm. 2. Ca. 45. whi-
che beginneth *Quia de his que recoꝝda-*
ta. &c. And that will that no proces nor
delay be in the sayde writ, & of that, that
is founde inrolled afoꝛe the Justices of
the common banke as of fines leuied cō-
tractes, obligations, and recognisaun-
ces that are recovered afoꝛe thē, and en-
rolled in the kinges court, the party that

is

Yhidvuy

Is greued nede not sue a writ at the com
mon law, but he may goe to the recoꝝd &
if the recognisaunce be within the yere
and a day, then he shal haue a writ of ere
cution to execute the same recognisaunce
that was made afore the Iustices of re
coꝝd, and if the yere and the day passe af
ter the cognisaunce made, then he shall
haue & scire facias to þe shirife that he cause
the party come at a certain day, as it ap
pereth by the sayd statute.

¶ Addition.

Note ye: that in these cases a man shal **Ap. 34. C. 3.**
haue a *scire facias* within þe yere. If a mā re
couer det against a womā that is vnma
ried, and within the yere she take a hus
band in this case he that recovered shall
not haue a *Fieri facias* for he may not sue ex
ecution of the goodes of the husbād, but
he shall haue a *scire facias*.

If a man of religiō reconer damages **Ap. 24. C. 3.**
and dieth within the yere, his successour
shall haue a *scire facias* and not a *Fieri facias*
thoughe that it be within the yere.

Note that it was sayd that a man shal **D. 1. D. 5.**
not haue other execution of rent seruyce
recovered, but to distreine Quere A. *scire*
facias brought agaiſt. ii. of damages wher
the shirife retourned, that the one was
warned, & that the other hath nothing,
& the pleintife prayed execution at his
peryll

W. W. W.

Natura

peril, & it was said that in so much, & the one was not warned he may not haue exec. afore the proces determined agaiſt the other. ¶ A writ of *Fieri facias*.

A writ of
fieri facias
is such.

Rex viſe ſalutē, Preſcipim⁹ tibi: q̄ de tuis et caſ
B. in balliua tua fieri fac C. li. et eas habeas
corā Juſtic. noſtris apud weſtm. tali die ad red=
dendum A. quas ei in curia noſtra coram Juſtic
noſtris per conſideſt eiu. Dem curie noſtre adiudi=
caſ fuerūt pro dampnis ſuis, que habuit occaſiōe
quod predictus B. eum iniuſte impedit preſen=
tare idoneā perſonā ad eccleſiam de R. prout p
quandam inquit ſtitionem qui per te nuper fecim⁹
conuictus fuerit. Teſte &c.

This writ is iudiciall & lieth where a
mā hath recovered det or damages in
the kinges court, then he that hath reco=
uered ſhal haue this writ to ſ ſhirife cō=
maūding him that he leuy the det or the
damages of the goodes of him againſte
whom the recouere was had and lieth al=
times within the ye. s and the daye, and
is giuen by the ſtatute of weſt. 2. ca. 18.
Which beſinneth: Cum debitum,

¶ Addition.

D. S. C. 4.

If a *Fieri facias*, to leuy. xx. li. be directed
to ſ ſhirife, & he retorne q̄ fieri feci. x. li.
quas habeo dīē. &c. at which day he hath
not the money & a newe ſhirife is choſē,
in this caſe he that reconered ſhall haue
a *ſcire facias*, againſt the ancient ſhirife
to ſhew why he ſhall not haue execution
of ſ. xx. li. and if he cā himſelfe diſcharge
then

than he that recovered shall haue execu-
cion agaynst the olde thirif by *Fieri facias*,
or *Elegit*.

If a man sue execution vpon a statute
marchant, and the landes of the recogni-
sour are extended & put in execution, and
the landes are extended to hye, the recog-
nise may pray that the landes be delyue-
red to extedours, and he shal haue execu-
cion against them by the statute of Actō
Burnel: by a *Fieri facias*. T. II. C. 3.

If a man hath iudgement in Detinue W. 6. R. 2.
execution shalbe awarded by distress a-
gaynst the defendaunt, and a *Fieri facias* of
the damages.

A wytte of *Elegit*.

*Recuria nostra coram Iusticiis nostris apud. w. per
considerationem eiusdem curie recuperasset
versus. C. de B. xl. li. quas idem. C. in eadem
curia nostra tali die et An. &c. cognoscere debere pre-
fato A. unde ei reddidisse debuit. x. li. ad festum
tale. &c. et. x. li. ad festum tale. &c. tunc prior sequet
et illas ei nondum soluit ut dicit. Et postea eadem
A. veni in curia nostra, et elegit sibi liberari om-
nia bona & cas predicti C. preter boues et affras
de caruca sua, & sicut medietatem terrarum sua-
rum et tenementorum suorum per rationabile pre-
cium et exten tenendū ut liberum tenementum iuxta
formam sua. nisi inde prouis. quousque predictas
xx li. inde leuauerit: et ideo tibi precipimus quod
ola bona & cas predicti C. preter boues et affras de
caruca sua & sicut medietatem terre et tenementorum
in balliua eadem. A, sine dilatione deliberari*

A wytt of elec-
git is such.

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faci prouabile preceptu & extent tenend ut liberu teni:
sibi & assign suis in form predicta quousque. xx.
li. de pcis. xl. li. inde leuauer: & qualif hoc preceptu
nostrum fuer executu icire facias iust: & nostris a
pub. w. in oct. sc. Et habeas ibi. sc. Telle. sc.

This wryt lyeth where a manne hath
recovered det or damages in the kyn-
ges courte, and the summe of the Det or
damages may not be leuied of the goods
& cattalles of him against whō the det or
damages wer recovered, thā he that hath
recovered shall haue this wryt direct to
the shirif cōmanding him that hee make
deliuerē of the halfe of all the landes or
tenementes, & al the goodes excepte oren
and beastes of his plough. And note that
the halfe of the sayd land shalbe reasona-
bly extended, and he shal holde the sayde
lande, and these other goodes vnto h̄ said
summe be leuied of the sayd issues ap-
poyntes of the lande and goodes of h̄ dettor,
and this wryt is reuournable.

Addicion.

Note ye: that an abbot recovered da-
mages and praid *Elegit* & it was granted
Annuittie was recovered, & the plain-
tif sued the *Fieri facias*, and the shirif retur-
ned that he hath nothyng, and the plain-
tif praid *Elegit* and his prayer was denyed:
for that, that he hath chosen *Fieri facias*.
And note ye: if a mā without ple know-
ledge in court him to be holden in det to
pay

D. 20. C. 3.
E. 20. C. 3

D. 2. C. 3.

pay at a certaine day, the consise shal not haue this *Elegit*, for y^e the consour was not brought into the court by p^{ro}cess of the law, that is to saye by w^{rit} of Det, & so the statute of westm. 2. Ca. 18. is to be vnderstande.

A w^{rit} of Habere fac. seisinam.

Rex vi^{re} salutē. Scias qd cū A. in cū n^{ra} coram A. w^{rit} of habere fac. seisinam iⁿ B. postea v^{er}si in eadē cū n^{ra} & vocauit ad iⁿ such. wart. B. qui quidē B. p^{re}dictē m^{es}sagium cum p^{re}tiū in cū n^{ra}. &c. per defaultam amittit scdm q^{uod} cōsiderat fuit in eadē cū n^{ra}, q^{uod} p^{re}dictē A. recuperat inde seisinam versus p^{re}dictum B. et p^{re}dictē B. habere de tert^o p^{re}dicti B. ad valentē &c. Et ideo tibi p^{re}cipimus quod eidem A. sine dilac^{te} plenam seisinam habere fac. Et p^{re}dictum B. de tert^o p^{re}dicti B. ad valentē eorū dē tē cū p^{er}tiū in loco cōpetēti habere & assignat seisinam fac. Telle. &c.

This w^{rit}te is Iudiciall and a w^{rit}te of execucion, and lyeth where landes or tenementes are recovered in the kyn^{es} courte, hee that hath recovered shall haue this w^{rit} commaunding him to deliuer seison, the w^{rit} is not retournable.

A w^{rit}te of Capias ad satisfac.

Rex vi^{re} salutē. Dē tibi, quod non omittas p^{ro}p^{er} aliquā libertatē. &c. quin capias A. si inuentus A. w^{rit} of Capias ad satisfac. is such. fuerit in balliua tua & eū saluo. &c. Ita quod habeas corpus eius coram Iustic^{is} &c. tali die ad satisfac. faciend^{um} B. tam de .xl. s. quos B. in curia nostra recuperavit versus eum quam de .vi. s. qui ei ad iudicac^{te} fuit p^{ro} dampnis suis, qui sustinuit occasione detentionis debiti p^{re}dicti. Et habeas ibi hoc breue. Telle. &c.

v. li. This

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Thys wyrt lyeth where a man recou-
 reth det or damages in þe kinges court
 and he againste whom the det is recou-
 red hath no landes noz tenementes noz
 sufficient goodes wherof the det may be
 leuyed, than he that recovered shal hane
 this wyrt to the shirif commanding him
 that he take the body of him against who
 the det is recovered, and he shalbe put in
 prisson vnto satisfaccion be made to hym
 that recovered. And note, that these. iiij
 wryts next afoze, are wryttes of executy-
 on.

A wryt of Capias vtlagatum.

**A wryt of Ca-
 pias vtlagatu
 is such.**

Rex vic salutē. Idē tibi q non omittas propter
 aliquā libertatē in ball tua quin capias. R. de
 lagatu in com S tali die & an. ad lect B. de piaci-
 to tūgē prout. &c. si inuentus fuerit & saluo. &c. Ita
 quod habeas corpus eius. &c. tali die inde fac-
 tue & recepturū quod curia nostra consideret in hac
 parte, &c.

A wryt of Capias vtlagatum in- quiras de bonis et cat.

**A wryt of Ca-
 pias vtlagatu
 inquiras de
 bonis et cat
 is such.**

Rex vic salutē. Precip tibi quod non. &c. quin p
 sacramentū proborum & legalium in eodē com
 tuo, diligēt inquiras, que bona & cat, terre, & res
 A. de. B habuit in ballua tua die & anno. &c. vel
 vnuquam postea : quo die idem A. vtlagatu fuit ad
 lect B. D. pro compoto suo idem. R. D. reddat
 tempore quo fuit receptor denariorum ipsius. R.
 prout vic. noster Eboracen Justic. nostris apud
 Westm in Octauis sancte Trinitatis tunc prox.
 sequēt mart et illa per eorum sacram extēdi,
 et appreciari fac. iuxta verum valorem eorūdem.

Et

Et ea que p inquis. illā inueneris, in manū nostrā
 copias et saluo custodire fac et extenē, et appree-
 ationem illam, quam inde feceris. scire fac. Jus-
 tiā nostris apud westm tali die, distinct et aperte
 sub sigillo tuo, et sigill' eorum per quorum sacram
 extenē et appreeationem illam feceris, ac pro eo
 quod idem A. vilagat bagat, et discurret in balli-
 ua tua in nostris: & corone nostre preiudiciū ut ac-
 cipimus q̄ predictum A. ubicūque in balliua tua
 tam infra libertates quam extra inuenire contige-
 rit capias, et eum saluo custodire facis: ita quod
 eum habeas coram Justiciis nostris apud W. ad pre-
 fat terminum ad faciendū et recipiendū quod curia
 nostra de eo consil. in hac parte: et habeas ibi hoc
 breue. Teste. &c.

This writ lyeth where a manne hath
 sued a writ of Exigent, & he agaynst
 whom the Exigente is awarded cometh
 not at the day of the exigente returned,
 than the playntif shal haue the said writ
 directed to the Shire (of the country wher
 the exigent was awarded) to take the bo-
 dy of him that is outlawed. And soe saye
 that a man may haue as many writs as
 he wyl, for that, that it is for the kynges
 aduantage.

A writ of Quid iuris clamat.

Rex vobis salutē. Prece tibi quod distringas A. per A writ of qd
 Romina terras & cal &c. Et quod de exit &c. Et iuris clamat
 quod habeas corpus eius coram Justiciis nostris is such,
 apud westm tali die. &c. ad cognoscendū quid Iuris
 clamat in vno messu pertinē in B. quod I de. W
 in curia nostra concessit B. per finē inter eos fact
 & ad audiendū. &c. Teste. &c.

Natura

This wytte lieth where I graunte the reuercion of my tenaunt for terme of lyfe by fyne leuyed in the kynges court, and the tenaunt will not attourne, he to whome the reuercion is graunted shall haue this w^{rit} to charge him to attourne. And note yf the tenaunt for terme of life claime fee simple in the tenementes, and it is founde that he hath no fee simple, he shal recouer seisō of the land. **T. 10. C. 3.** And he that hath fee taylor shal attourne aswel as he y^e hath but freholde per **M^{ort} t^{ing}ham**, but I suppose the law bee contrary. And the **Proces** is, **Somons**, and **distres** infinite.

Addicion.

P. 45. C. 3.

Note ye if lande be lested for terme of lyfe, and the lessour graunt that the lesse shal not be troubled for wast, & after the reuercion is graunted to a man and his wyfe by fyne, who bryngeth a *Quid iuris clamat*, in thys case yf the lesse saye that he is readye to attourne sayng to him the vauntage of the dede, it is conuentent, y^e the husband and the wyfe knowlege the dede, otherwyse the lesse shal not be compelled to attourne.

P. 44. C. 3.

In a *Quid iuris clamat* brought by an **Iⁿfant**, and such mater as afoze is pleaded the infant may not knowlege the dede.

Iⁿ

In *Quid iuris clamat* the tenant sayd that P. 45. C. 3.
 the countour held the same land of h^e king
 in chiefe and demaunde iudgemēt with
 out shewyng the kynges lycence, & then
 the demaundant shewed the kynges ly-
 cence o^r otherwys the tenant shold be
 charged with a fyne fo^r that alienacion
 and then the tenant atturnd.

If the kyng graunt to me the seruice
 of his tenant I may auowe without at-
 turnement, fo^r I maye not haue a *per que*
seruitia, no^r *Quid iuris clamat*. by Hardun.

P. 21. C. 3.

A w^{rit} of *per que seruitia*.

Rex vi^{ti} salutē. Bre^u tibi quod distē A. per oēs^t. A w^{rit} of *per*
que seruitia. Et quod de exi^t & quod habeas &c. tali que seruitia
 die ad cognoscendū per que seruitū tenet bñū meū is lūch.
 cum pertinenciis in B quod J. de. T in cut nra
 concessit B. per finem inter eos factū. Et ad audiē-
 dum. &c.

This w^{rit} lyeth where I graunte the
 seruices of my tenaunte fo^r terme of
 lyfe, tenaunte in taylor, tenaunt in fee
 simple to a straunger, by fyne leued in
 the kynges courte, this tenaunt will not
 attourne to the same graunt, thē h^e graūt
 thal haue this w^{rit} against the tenaunt
 and compel him to atturnd. And the p^{ro}ce-
 ses is, Somons and distres vnto h^e par-
 ty come.

Proces

Addicion.

Note ye, yf the tenaunte holde of two
 in comō, yf the one graunt the seruices

P. 9. C. 3.

P. lili.

bl

Natura

by fyne the tenaunt shall not attourne.

R. 5. C. 3.

The seruices of a tenant was graunted to h^e husbāde, & the wyfe and to the heires of the husbāde, & they brought a *per que seruicia*, the tenaunte sayde that hee hath acquital of h^e cognisour, and sauig to him his acquital he is redy to attourne, & the husbāde knowleged the acquital to hym & his heires, & so note ye, that the heir of the husbād oughte acquite the tenāt after the deth of the husbāde in the life of the wife, for the wife mai not bide her to the acquital during the marriage.

A wrytte of *Quem redditum reddit.*

A writ of que
redditum red-
dit is sacpe.

Rex viē salutē. Preē tibi quod distē B. p omnes terras. &c. Et q^d de exit. &c. Et habeas corpus eius. &c. tali die. &c. ad cognoscendū quam redditū reddit exeunt de vno meo. cum pertiū in R. quod I de. f. in curia nostra. &c. concessit R. S. p finem inde inter eos factam. & ad audiendū. &c. Et habeas. &c. Teste. &c.

This writ lyeth where a man granteth to another by fyne leuied in the kings court a rent Seck, or a rent Charge goyng out of another mans lande and the tenant of the lande will not attourne to the graunt, than the graunte shall haue this writ against the tenant of the lande to cause hym attourne. And the Proces is as in the writ next afoze. And note ye that these thre writtes are Judicall, and lyeth of fyne leuied in the kinges court,

Addiciō.

Addicion.

In a *Quem redditum reddit* the defendaunt *h. 30. h. 6*
demaunded hearpyng of the deade of the
graunt and the plaintiff shewed the syne
for consface de dzoit, & he was awarded
to shew also h̄ dede for he ought to shewe
tytle in this wryt how the rent did begyn

And note ye: that in these thze wryttes *p. s. h. 6.*
nexte afoze it is no plee to saye that they
were not tenauntes the daye of the wryt
purchased, but ought auntwere yf they
were tenaunt the day of the note leuped
for these wryttes ought to be broughte a-
gaynst hym that was tenaunt the day of
the fine leuped.

A wryt of venire facias.

Rex bñ salutē. Præstibi quod venire fac coram A wryt of ven-
rustic nris. &c. talidie. xii tam militesquā alios r. i. fac is such
liberos & legales hoies de visñ de p. quorū qui-
libet habeat xl. s. terre & tenē vel redditum per
annū ad minus per quos rei veritas melius scire
poterit et qui nec. A. nec. B. aliqua assinitat at-
tingunt ad recogni super sacram suū: si w. constan-
guineus predict A. cuius heres ipse est & fuit sit
in manerio de B. cū percipi in dominico suo vt de
feodo die quo obuit. Et quod idē A. in cū nra. &c.
corā. &c. clamat vt ius suum versus eum sicut idē
A. dicit vel non sicut predictus B. dicit. Quia tam p
dict B. quam predict A. inter quos inde contētio
est posuēt se in iuratā illam. Et habeas ibi nomi-
na iuraret hoc breue. Teste. &c.

This wryt is Iudiciall and goeth oute
of h̄ recozde, and lyeth where two par-
ties

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tyes pleadeth and cometh to issue. s. bpo
the saving of the country, than y partye
plaintiff or the defendant shal haue thys
wzpt directed to the sherrife that he cause
to come. xii. lawfull men of the same cou-
try to say the trowth vpon the sayde yssue
taken. And the enquest come not at y dai
of this wzit returned, than shal goe an
Habeas corpora, and after a distress vnto thei
come, and when they come at the daye &
the defendaunt challenge many of them
because y they are not sufficient to passe
vpon the sayd yssue, than y plaintiff shal
haue a wzit that is called *Octo tales*, or *Decē*
tales or as many as is nedefull.

Addicion.

¶.20 C.3.

¶ Note ye: that in these cases folowinge
the enquest shalbe taken by default. In a
uowze for rent seruice the plaintiff plea-
ded out of his fee. &c. And vpon that they
were at yssue, & after the auowant made
default, & the enqueste was taken by hys
default: for that, that it was y secōd daye
after the enquest ioyned, but yf it were y
first day, thā he shalbe distreined to here
the Iure.

¶ Note ye: that these cases folowing the
Iure shalbe taken by default.

¶.7. C.3.

In a wzpt of annuitie the defendante
sayd that at the day of the makynge of the
dede he was within age, and bpo y they
were

were at yssue, & at the day of the enquest, & defendant made default, and the enquest taken by his default.

Note ye: that in these cases folowynge though that the defendant make default after the enquest ioyned, yet it shal not be taken by default, but a distres shal go to here the Iure. D. 18. C. 3.

In a wast the defendant pleadeth to y enquest, at which day the defendant maketh default, a distres shal be awarded to here the Iure. An. 17. C. 3.
Li. all.

Note ye: by what challenge the array shal be quashed, and by what not.

In assise the ray shal be challenged: for that: that the plaintiff was nere to y byshop of. W. & he that arrased the panel is ternaunt to the byshop, & by the byshoppes counsel y ray was made, & this was holden to be no challenge: for that, that the byshop was not partie to the plee, except that hee had sayde that they were procured to say otherwysse than trouth.

The ray was quashed in assise: for y that it was made by y baylyse that hath marped the cosyne of the plaintife: and y they haue issue. An. 29. C. 3.
Li. all.

In assise y ray was quashed, for that, y y thirif hath baptised the sone & heyre of the plaintiff & y was cōfessed by the thirif D. 4. C. 4.

It is a good challenge to the ray to say that

Natura

that the thiryl is colyn to the wyfe of the playntyf.

In assyse the rase shall not be qualshed
foz that, that the thirise hath marryed the
syster of the playntyse (except he say) and
so the ray made in a fauourable maner.

Note the causes of challenge
foz consanguinitie.

A Jurour was challenged: foz that, &
he was colyn to the wyfe of the defedant
wherfoze he was drawen out of y panel.

If an abbot byynge an accion, it is a
good challenge to say that the Jurour is
vncler o: brother to a monk of y same place

Note the causes of challenge
foz affinitie.

A Jurour was challenged foz that,
that he hath baptised the sonne of y plain
tif and that was holden a p:ncipal cha
lenge.

A Jurour was challenged foz that,
that the son of the Jurour hath marryed
the doughter of the playntyse, and that
is no p:ncipall challenge, except it be be
twixt the partes selues, that the Jurour
maried the. &c. wherfoze these tryours e
quered of the fauour.

In attaynte one of the. xxiij. was cha
lenged: foz that that hee hath maried the
sister of one of the petit Jurours wyues,
and it was not allowed.

Note

**Note the causes of challenge
for insufficiency.**

In a Repleuin the defendaunt challē. T. 4. D. 71
ged a Turrou: for that, that he was not
sufficient of the freehold. s. to say y^e value
of. xl. s. And by the oppinion of the court
that was a good challenge: for that, that
the auowze was for seruices, but yf the
auowze had ben made for Damage fessate
otherwys had bene.

T. 3. C. 41

In det of. xx. li. and damages to. x. li. a
Turrou was challenged: for that, that he
may not dispend. xl. s. and for that cause
he may treate by the statute.

**Note the causes of the chal-
lenge for the hundred.**

If a Turrou bee challenged for that,
that he hath nothinge within the hundred **W. 11. C. 3.**
by the plaintyfe and also by the defendat,
he shalbe drawn out.

If a Turrou be challenged: for that: y^e An. 19. C. 3
he hath nothing within the hundred, the
trouers shal not enquire if he be dwelling
within y^e hundred, yf he haue any thyng
within the hundred, and not of the value.

In a wryt of annuities agaynst a parson
of a church by prescription & alleged sei- **T. 11 R. 2:**
son in the same county where y^e church is
in another hundred, the thirde Turrou
was challenged, for that, that he hath no
thyng within the hundred where the
churche

Natura

P. 22. D. 6. in þ hūdzeth oz þ other he ſhal be ſwozne
Note ye if one be ſwozne þ hath ſuffy-
cient in the hundzed and after he ſel that
and after he is chalēged for inſufficiēce
within the hundzed this chalenge is not
alowable: for þ, that whē he was admit
and ſwozne at one time it ſhal bee inten-
ded that he hath knowledge of the mater
nowe, and his knowledge by his aliena-
cion may not be deuēſted out of hys par-
ſon.

E. 7 D. 4:
P. 19. D. 6. And note ye: that after that ſowze are
ſwozne of the hundzed, a man ſhall haue
no chalenge to ſay that he hath nothyng
with in the hundzed.

P. 12. C. 3. And note ye, that after that a mā hath
chalenge the ray & that ſounde agaynſte
him he may chalenge the polles.

P. 7. C. 3: Note ye: that when the Jurours are
ſwozne, þ parties praye þ they may haue
keepers: that was denyed ſittynge þ court,
but after they ſhall haue.

E. 7. D. 4. In attaynt after that four of the hun-
dzed were ſwozne another was chalē-
ged for the hundzed, & not allowed, yet it
was alleged that in the petit Jure that
fyſt paſſed, ought to be. iiii. of þ hūdzeth
at the leaſt, and by þ ſame reaſon. 8. ought
to be of the hūdzed where. 24. are ſwozn
if he that chalenged the raye wyl chal-
lenge the polles he ſhal ſhew cauſe of his
chalenge

challenge euery tyme certayn afoze that
the clerke peruse the panel.

A Jurour was chalenged for fano; &
he was found by triours that he was in
different, & afoze that he was swozne he
was chalenged: for that, that he hath no
thing win the hūdzed, & not allowed.

¶ A wryt of *Assi prius*.

Rex vobis salutē. Dicit vobis quod vobis facit apud
Westmāli die vel corā Justiciariis ad primas
assisas in com̄ tuo capiend assigh per formam sta-
tuti inde prout. *Assi die lune. &c. apud . B. prius*
vi. & xiiii. tā m̄lis &c. quā &c. vi in priori. bēi. &c.
& qui nec. A. nec. B. &c. ad recogn. &c. Si p̄dict
Beali die, et anno vi et armis scz glad. &c. bona
& cat sua, iiii. saccas lane ad valent. xx marc. apd
B. in com̄ tuo cepit & abduxit vi die quia tam. &c.
Et habeas. &c. Teste &c.

A writ of *Assi prius* is such.

This wrytte is Judiciall and lyeth in
case when thenquest is paneld, & retur-
ned afoze the Justices of the bank, than
the one party, or the other may haue this
wryt for easemente of the country direc-
ted to the Shyryffe, commaundyng hym
that he cause the menne that are empa-
nelled to come afoze the Justices in the
same county, & there to be determined a-
foze themselves, yf the matter be not so dif-
ficult that it may not bee tryed afoze the
for then it shalbe sende into the banke as
afoze. And note ye: by h statute of E. 3.
An. 14. Ca. 15. that this wryt shalbe grā-
ted as wel at the suit of the tenant, as at
the

Natura

the suit of the demaundant in a wryt of Trespas yf the damages passe. xl. s. And note ye : that the Justices of the commō banke hath power to enquire by the *Nisi prius* of plees moued in the kynges court. And yf the Justices of the comon banke may not come, then in the same manner haue the Justices of the kynges benche, power to take the *Nisi prius* of plees moued in the common banke.

Addicion.

H. 19. H. 6.

In Detynue the playntpyffe and the garnyshe were at yssue, and the playntyf prayed a *Nisi prius* and had , and the garnyshe had other with a prouiso.

H. 15. E. 3.

E. 21. E. 3.

Note where a manne is in execucion vpon a statute marchaunt and sueth *Ad dicta querela*, and are at yssue, a *Nisi prius* shal not be graunted: for that, that the playntyfe may not be deliuered out of pylsone.

H. 25. E. 3.

In all cases where the kyng is partye the *Nisi prius* shal not be graunted.

A wryt of Quale ius.

A writ de
Quale ius is
such.

Rex viç salutē. Scias quod abbas de R. in cuius nostra recuperavit suam suam verius. B. de vno mesuagio cum pertinenciis in C. vi ius ecclesie sue sancte Marie de R. per default ipsius B. p. t. breue nostrum quare cessauit. Et quia dubitat de fraude inter eos p. locuta contra statutum nostrum in quo continetur de terra sent ad manum mortuam deueni quoquo modo, tibi

sibi p̄ q̄ venire facias corā nobis tali die &c. xii.
 &c. de vñ p̄dict quozū quilibet &c. per quos &c.
 Et qui nec &c. ad recogni super sacramentū suū
 quale ius idem abbas habet in p̄dicto mē, et
 quis p̄decessorū suorum fuit inde seiscitus de do-
 minico seruic. de p̄dict mē exeunt vñ de iure ec-
 clesie sue p̄dicte, et quātum p̄dictum mē ba-
 let p̄ annum secūndum verū valorem eiusdem.
 Et interim mē illud in manū nostrā capias Ita
 q̄ neuter eorum ad illud manū apponant donec
 aliud a nobis inde habueris p̄ceptum. Et quod
 de exit eiusdem mē ad scaccarium nostrū re-
 spondeas. Et scire facias capitali domino feodi
 illius mediat & immediat q̄ tūc sit ibi, audituē in-
 ra illam si voluerit. Et habeas ibi nomina eorū
 &c. teste &c.

This w̄it is iudiciall and lyeth in case
 where an abbot or p̄your or anye o-
 ther mā of religion b̄ingeth a *Precipe quod*
reddat of land & the tenant maketh default
 after default wherby the lād is to be lost
 then thesame Abbot or p̄your ȳ hath re-
 couered shal not haue erecucion of ȳ said
 lande recouered, afoze ȳ he sue this w̄yt
 for the kyng to the Eschetour of thesame
 countie to enquire what right he ȳ hath
 recouered hath, & if he hath ryght by his
 w̄yt, then the iudgement shalbe geuen
 for hym, & shal haue erecucion of ȳ land
 recouered. And if it be found that he hath
 no right by hys w̄it, but that the landes
 wer lost by collusion betwixte hym & the
 tenant, then it shalbe ordred as is genen

Z. i.

by

Natura

by the statute of West. 2. Ca. 32. which be-
gynneth. Cū viri religiosi. &c. that the
next lord shall haue the lande as hys Es-
chept, if he demaunde it within the yere
after the inquisition taken. And if he de-
maunde it not within the yere, than the
next lord after hym shall haue the sayde
lande, if he demaunde it within the halfe
yere. And if no lord demaunde noz claim
as afore is sayde, then the kyng that is
chiese lord aboue all other shall haue the
sayd land so recovered.

Addicion.

19. E. 3

In a Quare impedit brought by one R. a-
gaynst an Abbot, & they wer at issue and
now thenquest come, & R. was nonsuite,
and the court awarded a writ to the bys-
shop for the Abbot withoute inquirie of
the collusion.

A writ de Cape magnum.

A writ of
Cape magnū
is such.

R. Ex vīsalut. Cape in manū nostrā p vīlū legat
hoīū de comitū vīlū mē. cū pīn in R. q B.
tenuit. x. die Aprīl. an. &c. ad quocūq man^o de-
uenit in balī tua. q A. q fuit vīlū C. in cū nostrā
corā &c. clamat vī dotem versus pīctū B. p defec-
tu ipsius B. et ideo &c. Et cum &c pīct B qd sit
&c. tali die respons. et ostens. quare nō fuit corā &c.
tali die q pīct B. non habet aliquas terras sen-
tē in balī tua que capi possunt in manū nostrā
vī testatū est in eadem curia quod pīctus B
tali die et an. &c. tenuit pīct mē. cum pertine-
vīde pīctū mē. capi pot in manū nostrā
Et habeas ibi nomina eorū q quocū vīlū hoc
feceris

feceris iura. Et hoc breue teste. &c

This writ is iudiciall, & lyeth where a man hath brought a *Precipe quod reddat* of a thyng that toucheth plee of lande, and the tenaunte make defaulte at the day so hym geuen in the writte original, then thys writ shall goe for the kyng to take hys land into the kynges hād, and if he come not at the day geue by the graunde Cape he hath lost hys lād. But note ye: that at the fyrst dave he may be esloyned. And if at the day of the graund Cape retourneable he cometh, he may excuse his default, as to saye that he was not somoned after the lawe of the land, & that he is ready to make hys lawe, or to saye that he was in prison, or disturbed by water, & in thys two last cases, issue may be taken vpon a uerement of y^e countrey, & for that, that iudgement & knowledge of the imprisonment or disturbance by the water is to be tried by the countrey. But the fyrst case shall be tryed, as afoze is sayde.

¶ Addition.

In a *Precipe q^d reddat* brought against one H. filio. W. in latin at y^e graund Cape, h^e tenant sayd y^e where is brought agaynst H. senne of W. our father hath a name Edmond, iudgement of the writ & it was sayd that the tenant hath made defaulte in whose mouthe no plee lyeth afoze that

Z. y.

he

Natura

he hath saued hys defaulte but it was a-
warded y^e bypon a graund Cape y^e tenāt
shal pleade y^e he is mysnamed in a bate-
ment of the w^{rit} afoze the defaulte saued
& that is for the myschief of the warrant.

¶ A w^{rit} of Cape peruum.

I w^{rit} of
Cape peruum
is such.

Rex die salutē. Cape in manum nostram vnum
mes. sc. q. R. in curia nostra sc. clamat vt ius
suum verius. A. pro defectu ipsius A. Et sum p bo-
nos sum p dcm A. quod sit sc. tali die sc. ad audien-
dam inde iudic. Et habeas sc. te se sc.

This w^{rit} lyeth in case where y^e tenant
is summoned in plee of land and cnm-
meth at the Somons and hys apparance
is of recozde, and after he maketh defaut
at the day that is geuen to hym then shal
goe this w^{rit} for the kyng. And note ye
that a petit Cape lyeth after apparance
and a graunde Cape afoze apparance.

¶ Addicion.

L. 8. B. 6

Note ye: that in a graund Cape the te-
nant is somoned to aunswer to y^e default
and ouer to the demaundāt. But in a pe-
tit Cape the tenāt shalbe somoned to au-
swer to the defaulte onely, & it is called a
petit Cape: for that, that there is lesse in
this w^{rit} then in the graunde Cape.

L. 19. C. 3

In a Precipe quod reddat brought by a wo-
man at the Petit Cape returned, the te-
nant said that after the last continuance
the demaundant hath taken a husband.

iudge.

iudgement of the writ, and it was adiudged that, that was no plee afoze that he hath saued hys defaulte.

In a Formedon the tenant appeared M. 40. E. 3 vpon the petit Cape, & wold haue pleded that the demaundaunt hath entred after the last continuance without sauing his defaulte, but he mighte not, and after he pleded a release of all the right.

A writte of Cape ad valentiam.

Rex vobis salutem. Cape in manum nostram per vobis legal' homin' de cons' tuo de terris A. pro defectu ipsius A. ad valentiam vnius mes. cum p'tu in J. qd' E. in cui' nostra coram Justic' nostris clamat vt ius suum verlus B. vnde idē B. in ead' curia nra coram iustic' nris vocauit p'dictum A. ad warrantandum verlus eū & diem captionis scire facias Justic' nris apd' W. per lras tuas sigillatas Et sum' ec. p'dictū A. q' sit corā ec. tali die respons. et ostens. quare non obseruauit diem sibi datum p'cessum suum coram Justiciariis nostris tali die Et habeas ibi nomina eorum per quorum visum hoc feceris ec. teste ec.

A writte of Cape ad valentiam is such.

This writte lyeth where I am impleaded of certayne landes, and I vouche to warraunt another agaynst whom the somons ad warrantandum hath been awarded, and the Shyryfe hath retourned that he was summoned and cummeth not at the day geuen, than if the demaundant recouer agaynst me, I shall haue this writ agaynst h' vouche, & I shal recouer so much

Natura

In value of y lande of y bouche if he hath so much, & if y he hath not so much, thā I shal haue execucion of such landes, & tenementes y discēderth to him in fee simple or if he purchaseth aff. I shal haue agaynst him a resomons. And if he can nothyng say, I shal reconer to the value. And note ye y this wytt lyeth afoze apparāce. And in thesame maner lieth the petit Cape ad valentiam after apparance.

A wyttte of
Sum ad war-
rantizandum
such.

A wytt of *Sum ad warrantizandum.*
R Ex bñ salutē. Sum p bonos sum A. q sit ec. tali die ad warē w. bñū meū cū pñ in A. q B. coram iustic nris apud w. clamat vt ius suū versus eum. Et vnde I. de w. in eadē curia nra vocauit pñdict A. ad warē versus eū ec. Et habeas ibi sum Et hoc breue teste. ec.

Thys wyttte lyeth where I bouche to warrant another mā then I shal haue this wytt agaynst hym to the Myrife cōmaunding him that he somon the bouche to be afoze y Justices at a certaine day at which day if he come not, than shal goe y graūd cape, & if he cōe, & aff make default then shal go y petit cape, as is afozesayd.

A wytt of *Sequitur sub suo periculo.*

R Ex bñ salutē. Sum p bonos sum C. q sit corā Iustic nris ec tali die ad warē A. bñū meū cū pñ in A. q B. coram Iustic nris apud w. clamat vt ius suū versus eum ec. teste. ec.

A wytt of Se-
quitur sub
suo periculo
such.

Thys wytt lyeth where a Somons ad warrantizand. is awarded. And the Myrife returne that he hath no

thyng wherby he may be somoned, than
shall goe *sicut alias et pluries*. And if he come
not at the *Pluries*, than shall goe thys wyte
de Sequatur sub suo periculo.

¶ A wyte of Champertia.

R *Ex viē salut. pētibz qd dicitur N. p. vēs terras &c. A' wisse of*
Et qd habeas corpore ius corā iustit &c. ad re- *Chāpertia i*
spondē quare cū int ceteros articulos quos dñs E. *such.*
nuper rex Angl' auus nē ad emendē status ppli
sui concessit ordinatū sit qd nullus minister nē nec
aliq's al' p parte rei q est in p'io habend' negotia
que sunt in placito sicut assumat manutened' nec
aliquis ius suum sub huius conditione alteri di-
mittat, ac p'ictus B. placitū loqle que est in curia
nostra &c. inter A. et E. vxorem eius petēs et A.
et W. tenentes de. xx. ac ēre cū p'iu in d. pro par-
te huius ēre habend' A. assumpsit manutened' con-
tra formā ordinationis p'dict' vt vlt'ius facturi
et excepturi q cū nē a considerauit in hac parte.

¶ Originale inde est tiel.

R *Ex iustit' suis de bāco sal.* Cū int ceteros ar-
ticulos quos dñs E. quondā rex Angl' pgeni-
tor nē ad emend' status ppli sui &c. q nullus mini-
ster eius nec aliquis al' p pte rei q est in p'io ha-
bend' &c. vt prius ac p'iti loquele est corā vobis p
b'ē nēm inter A. petent et B. tenent de vno mē
cū p'iu in R. p'p' huius mē habend' iā assumpsit
manutened' contra formā ordinationis p'dict' vt
accepimus nās volētes ordinationē illū obserua-
ri vobis mādā q inspect' tenor ordinationis p-
dict' vlt'ius inde facere q de iure & scdm formam
ordinationis p'dict' fuerit faciendam &c. Teste &c.

Thys wyte lyeth where two parties
are impleading, and the one of the
parties, geue to a straunger y half,

Natura

oz parte of the land oz any other thyng y
is in plee for defending hym agaynst the
partie, then the party grieved shall haue
this writ agaynst a stranger.

P. 8. C. 3

Note ye: that it is no diuersitie whe-
ther the partie sell the land hangyng the
wrytte and where he geueth the lande:
for that, that it is prohibite by the lawe.
But a man maye make a feoffemente to
hys vble hangyng the wryt.

P. 6. C. 3

The father and sonne are, and the fa-
ther is impleaded, & hanging the suite he
infeoffeth his sone, this is no Champertye
for by euery lawe it is intended that the
sone ought ayde hys father. Loke y stat
De articulis super Cartas. Cap. 12.

P. 26. R. 2.

Note ye, that it is sayd, y if a man sell
his land to me, & after the land is deman-
ded agaynst him by writ, and he hanging
the writ make liere and scyson to me of
thesame land that is no Champertye for
that, that the bargayne was not made
for such cause.

P. 42. C. 3

If it be it was awarded &c. y if I byyng
a writ of Formedon agaynst one B. in the
name of one B. if I recover w my owne
colles & than B. me infeoffe that is cha-
pertie. &c. But if I refuse to take the feof-
ment for dout of Champertye, & comaund
B. to make a feofment to another that is
no champertye &c. quere.

F. I. R. I. S.

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*Cum privilegio ad impres-
sandum solum.*

So: Gressell

